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2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

Publication

# Bill72

## An Act to amend the Ticket Speculation Act

Mr. Farnan



1st Reading

October 30th, 1989

2nd Reading

3rd Reading

D 1 4

Royal Assent

#### **EXPLANATORY NOTE**

**SECTION 1.** This amendment to section 2 of the Act provides penalties that oncstitute real deterrents to ticket scalpers.

Bill 72 1989

### An Act to amend the Ticket Speculation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 2 of the *Ticket Speculation Act*, being chapter 499 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$5 and not more than \$50" in the eleventh and twelfth lines and inserting in lieu thereof "is liable to a fine of not less than \$500 and not more than \$5,000".
- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Ticket Speculation Short title Amendment Act, 1989.

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Publications
Private Member's Bill

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill73

## An Act to amend the Highway Traffic Act

Mr. Breaugh



1st Reading
2nd Reading

3rd Reading

Royal Assent

October 30th, 1989

#### **EXPLANATORY NOTES**

The purpose of the Bill is to amend the *Highway Traffic Act* to provide for the licensing of motor boat operators.

The Bill amends the Act by adding a new Part III-A, which applies only in respect of motor boats propelled by engines of at least ten horsepower. Under the new Part, only persons having a motor boat operator's licence or being supervised by a licensed person are permitted to operate a motor boat.

The provisions of Part III-A require every person to carry a motor boat operator's licence while operating a motor boat or supervising a non-licensed person operating a motor boat and to produce it when requested to do so by a police officer. If unable or unwilling to produce the licence, the motor boat operator is required to give the police officer his or her correct name and address.

The new Part also provides for the offence of careless operation of a motor boat.

A person who contravenes any of the provisions of Part III-A or certain regulations made under it is liable to pay a fine not exceeding \$1,000 and, in some cases, to have his or her motor boat operator's licence suspended or revoked.

**Bill 73** 1989

### An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Highway Traffic Act, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part:

#### PART III-A

#### MOTOR BOAT OPERATORS' LICENCES

- **40a.** This Part applies only in respect of motor boats pro- Application pelled by engines of at least ten horsepower.
  - **40b.**—(1) No person shall operate a motor boat unless,

Where licence required

- (a) he or she is the holder of a motor boat operator's licence issued under section 40c; or
- (b) he or she is at least twelve years of age and is supervised by a person on board the motor boat who is at least eighteen years of age and is the holder of a motor boat operator's licence issued under section 40c
- (2) Subsection (1) does not apply to a person who is the Exemption as resident of another province, country or state, is a holder of a idents motor boat operator's licence issued by that province, country or state and is at least twelve years of age.

**40c.** The Minister or any person authorized in writing by Issuance of the Minister shall issue a motor boat operator's licence to any person who applies in accordance with the regulations, pays the fee prescribed by the regulations and,

(a) is at least twelve years of age and has successfully completed a motor boat operation course in accordance with the regulations; or

(b) is at least sixteen years of age and has successfully completed a written examination in accordance with the regulations.

Operator to carry licence

**40d.**—(1) Every person shall carry his or her motor boat operator's licence at all times while operating a motor boat or supervising a non-licensed person operating a motor boat and shall produce it when requested to do so by a police officer or an officer appointed for carrying out the provisions of this Act.

Operator to identify self

(2) Every person who is unable or refuses to produce a motor boat operator's licence in accordance with subsection (1) shall give his or her correct name and address to the officer upon request.

Arrest without warrant (3) An officer who on reasonable and probable grounds believes that a person has contravened subsection (2) may arrest the person without warrant.

Careless operation

**40e.** No person shall operate a motor boat without due care and attention or without reasonable consideration for others.

Offences and fines

**40f.**—(1) Every person who contravenes section 40b, 40d or 40e or a regulation made under section 40g is guilty of an offence and on conviction is liable to a fine not exceeding \$1,000.

Suspension and revocation of licences (2) In addition to any fine that may be imposed under subsection (1), the motor boat operator's licence of any person who is convicted of contravening section 40d or 40e or a regulation made under section 40g may be suspended for a period of up to two years or may be revoked.

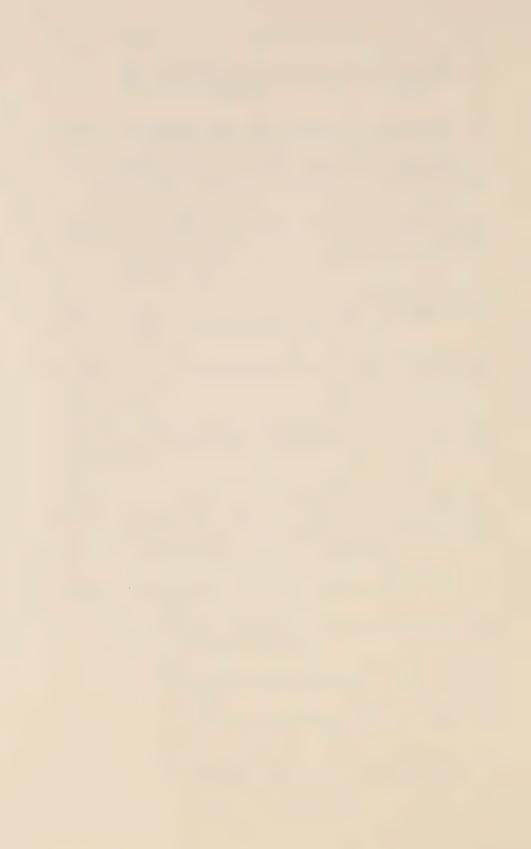
Regulations

**40g.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the expiry and renewal of motor boat operators' licences;
- (b) establishing procedures for obtaining or renewing motor boat operators' licences;
- (c) prescribing fees for the issuance or renewal of motor boat operators' licences;
- (d) designating classes of motor boats that may not be operated by persons under sixteen years of age;

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- (e) respecting motor boat operation courses to be completed by applicants for motor boat operators' licences;
- (f) respecting written examinations to be completed by applicants for motor boat operators' licences.
- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Highway Traffic Amend- Short title ment Act, 1989.







Bill 74

**Government Bill** 

Projet de loi 74

du gouvernement

2º SESSION, 34º LÉGISLATURE, ONTARIO 38 ELIZABETH II, 1989

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

## Bill 74

## An Act to provide for the Consolidation and Revision of the Statutes of Ontario

The Hon. I. Scott

Attorney General

1st Reading November 6th, 1989
2nd Reading
3rd Reading

Royal Assent

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# Projet de loi 74

Loi prévoyant la codification et la refonte des lois de l'Ontario

L'honorable I. Scott procureur général



1<sup>re</sup> lecture

6 novembre 1989

2<sup>e</sup> lecture

3<sup>e</sup> lecture

sanction royale

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

#### **EXPLANATORY NOTES**

The Bill authorizes the preparation of a consolidation and revision of the public general statutes of Ontario, as they stand at the end of 1990.

The consolidated and revised text will include both French and English versions of the statutes, whether they were originally adopted in one or both languages.

#### NOTES EXPLICATIVES

Le projet de loi a pour objet d'autoriser la codification et la refonte des lois d'intérêt public et général de l'Ontario, telles qu'elles existent à la fin de l'année 1990.

Le texte codifié et refondu comprendra des versions française et anglaise des lois, qu'elles aient été originellement adoptées sous forme bilingue ou non.

1989

Bill 74

## An Act to provide for the Consolidation and Revision of the Statutes of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment of commissioners

1.—(1) Donald L. Revell, Senior Legislative Counsel, A. Sidney Tucker, Deputy Senior Legislative Counsel and Margaret MacKinnon, Deputy Senior Legislative Counsel, are appointed commissioners to consolidate and revise the public general statutes of Ontario in accordance with this Act.

Idem

(2) The Lieutenant Governor in Council may appoint additional commissioners.

Duties of commissioners

1986, c. 45

**2.** The commissioners shall examine the public general statutes of Ontario enacted before the 1st day of January, 1991 and the French translations prepared under subsection 4 (1) of the *French Language Services Act, 1986* and arrange, consolidate and revise them in accordance with this Act.

Powers of commissioners

- **3.** The commissioners may,
  - (a) omit statutes and provisions that are not of general application or that are obsolete;
  - (b) alter numbering and arrangement;
  - (c) make changes in language, including punctuation, in order to achieve greater uniformity;
  - (d) make any changes that are necessary to bring out more clearly what is considered to be the Legislature's intention, to reconcile apparently inconsistent provisions or to correct clerical, grammatical or typographical errors.

### Projet de loi 74

1989

### Loi prévoyant la codification et la refonte des lois de l'Ontario

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit:

1 (1) Sont nommés commissaires et chargés de codifier et Nomination de refondre conformément à la présente loi les lois d'intérêt saires public et général de l'Ontario, Donald L. Revell, premier conseiller législatif, A. Sidney Tucker, premier conseiller législatif adjoint et Margaret MacKinnon, première conseillère législative adjointe.

- (2) Le lieutenant-gouverneur en conseil peut nommer Idem d'autres commissaires.
- 2 Les commissaires étudient les lois d'intérêt public et général de l'Ontario qui ont été adoptées avant le 1er janvier 1991, ainsi que les traductions françaises préparées aux termes du paragraphe 4 (1) de la Loi de 1986 sur les services en 1986, français, et les arrangent, les codifient et les refondent conformément à la présente loi.

Fonctions des

chap. 45

### 3 Les commissaires peuvent :

Pouvoirs des commissaires

- a) omettre des lois et des dispositions qui ne sont pas de portée générale ou qui sont caduques;
- b) modifier la numérotation et l'économie des lois:
- modifier la forme des lois afin de contribuer à leur c) uniformité;
- apporter toute modification qui s'impose afin de d) mieux exprimer ce que l'on considère être l'intention de la Législature, de concilier des dispositions apparemment incompatibles ou de corriger des erreurs de copie, notamment des fautes grammaticales ou typographiques.

Deposit of revised bilingual statutes

**4.**—(1) As soon as the commissioners report that the consolidation and revision that this Act requires are complete, the Lieutenant Governor may cause a set of printed volumes containing the consolidated and revised text to be deposited in the office of the Clerk of the Assembly.

Signatures

(2) Each volume in the set that is deposited shall be signed by the Lieutenant Governor and the Attorney General.

Title

(3) The English title of the consolidated and revised text is "Revised Statutes of Ontario, 1990" and the French title is "Lois refondues de l'Ontario de 1990".

(4) Deposit of the set of printed volumes in accordance

version

with subsection (1) shall be deemed to constitute compliance 1986, c. 45 with subsection 4 (2) of the French Language Services Act, 1986.

Appendix and schedules

- **5.**—(1) The following shall be deposited with the set of printed volumes:
  - An appendix containing the constitutional statutes set out in Appendix B to the Revised Statutes of Ontario, 1980, and such other constitutional statutes as the commissioners consider it appropriate to include.
  - A schedule (Schedule A) showing what statutes contained in the Revised Statutes of Ontario, 1980 and other statutes are repealed in whole (or in part, and to what extent) on the day the Revised Statutes of Ontario, 1990 take effect.
  - A schedule (Schedule B) showing what statutes and provisions are repealed, replaced and consolidated by the Revised Statutes of Ontario, 1990 and also showing what parts of the Revised Statutes of Ontario, 1980 and statutes passed subsequently are not consolidated.
  - A schedule (Schedule C) showing what public statutes passed by the Legislature after the 1st day of July, 1867 are unrepealed and unconsolidated.

Effect of inclusion or omission of statute

(2) The fact that a statute or provision is included in or omitted from a schedule is not a declaration that it was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1990.

4 (1) Aussitôt que les commissaires déclarent achevées la Dépôt des lois codification et la refonte exigées par la présente loi, le refondues lieutenant-gouverneur peut faire déposer dans le bureau du greffier de l'Assemblée une série de volumes imprimés qui contient les lois codifiées et refondues.

(2) Chacun des volumes de la série qui fait l'objet du dépôt Signatures est revêtu de la signature du lieutenant-gouverneur et de celle du procureur général.

(3) Le recueil des lois codifiées et refondues s'intitule «Lois Titre refondues de l'Ontario de 1990» en français et «Revised Statutes of Ontario, 1990» en anglais.

(4) Le dépôt, conformément au paragraphe (1), de la série de volumes imprimés est réputé constituer l'observation du paragraphe 4 (2) de la Loi de 1986 sur les services en français.

Version française

1986, chap. 45

5 (1) Sont déposés avec la série de volumes imprimés les documents suivants:

Appendice et

- 1. Un appendice qui contient les lois constitutionnelles figurant à l'appendice B des Lois refondues de l'Ontario de 1980, ainsi que les autres lois constitutionnelles que les commissaires jugent opportun d'y inclure.
- 2. Une annexe (annexe A) qui énumère les lois faisant partie des Lois refondues de l'Ontario de 1980 et les autres lois qui, le jour de l'entrée en vigueur des Lois refondues de l'Ontario de 1990, sont abrogées en tout ou en partie. En cas d'abrogation partielle, l'annexe indique la portée de l'abrogation.
- 3. Une annexe (annexe B) qui indique quelles lois et dispositions sont abrogées, remplacées et codifiées par les Lois refondues de l'Ontario de 1990, et qui indique également quelles parties des Lois refondues de l'Ontario de 1980 et quelles lois adoptées subséquemment ne sont pas codifiées.
- 4. Une annexe (annexe C) qui indique quelles lois d'intérêt public adoptées par la Législature après le 1<sup>er</sup> juillet 1867 ne sont ni abrogées ni codifiées.

(2) L'inclusion ou l'omission d'une loi ou d'une disposition Inclusion ou dans une annexe ne constitue pas une affirmation que la loi ou d'une loi la disposition était en vigueur immédiatement avant l'entrée en vigueur des Lois refondues de l'Ontario de 1990, ou ne l'était pas.

Effect of Schedule C

(3) The schedule referred to in paragraph 4 of subsection (1) is prepared for purposes of information only.

Proclamation

**6.**—(1) After the set of printed volumes is deposited in accordance with section 4, the Lieutenant Governor may by proclamation name the day on which the consolidated and revised English and French versions of the statutes come into force.

Effect

(2) On and after the named day, the English and French versions of the Revised Statutes of Ontario, 1990 are in force as though they were part of this Act.

Idem

(3) On the named day, the statutes and provisions listed in Schedule A are repealed to the extent shown in that schedule.

Acts enacted between Jan. 1, 1990 and proclamation of R.S.O. 1990 7.—(1) Acts that are enacted after the 31st day of December, 1990 and before the day the Revised Statutes of Ontario, 1990 come into force and that refer to statutes or provisions that are to be included in the Revised Statutes of Ontario, 1990 shall be deemed to refer to the corresponding statutes or provisions in the Revised Statutes of Ontario, 1990.

Statutes of Ontario, 1991 (2) The Statutes of Ontario, 1991 shall be published in two volumes, one showing them in the form in which they are enacted and a second volume containing only the public general statutes.

Supplementary revision

(3) The commissioners shall ensure that the statutes published in the second volume are revised so as to refer to the Revised Statutes of Ontario, 1990 and include French translations of any provisions enacted in English only.

Deposit of second volume

(4) The Lieutenant Governor may cause the second volume, signed by the Lieutenant Governor and the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclamation

(5) The Lieutenant Governor may by proclamation name the day on which the English and French versions of the statutes published in the second volume come into force.

Effect

(6) On and after the named day, the English and French versions of the statutes published in the second volume are in force as though they were part of this Act, and the versions of those statutes published in the first volume are repealed on that day.

(3) L'annexe visée à la disposition 4 du paragraphe (1) n'est Effet de préparée qu'à des fins d'information.

6 (1) Après le dépôt, conformément à l'article 4, de la Proclamation série de volumes imprimés, le lieutenant-gouverneur peut, par proclamation, fixer le jour où les versions française et anglaise des lois codifiées et refondues entrent en vigueur.

(2) À partir du jour fixé, les versions française et anglaise Effet des Lois refondues de l'Ontario de 1990 sont en vigueur comme si elles faisaient partie de la présente loi.

(3) À partir du jour fixé, les lois et les dispositions énumérées à l'annexe A sont abrogées dans la mesure qu'indique cette annexe.

7 (1) Les lois adoptées après le 31 décembre 1990 et avant le jour de l'entrée en vigueur des Lois refondues de les janvier l'Ontario de 1990 qui renvoient à des lois ou à des dispositions 1990 et la qui doivent faire partie des Lois refondues de l'Ontario de 1990 sont réputées renvoyer aux lois ou aux dispositions cor- L.R.O. de respondantes des Lois refondues de l'Ontario de 1990.

Lois adoptées entre le proclamation

(2) Les Lois de l'Ontario de 1991 sont publiées en deux tomes : le premier tome contient les lois sous la forme de leur adoption et le deuxième tome ne contient que les lois d'intérêt public et général.

Lois de l'Ontario de

(3) Les commissaires veillent à ce que les lois publiées dans le deuxième tome soient refondues de façon à renvoyer aux Lois refondues de l'Ontario de 1990, et à ce qu'elles comprennent une traduction française de toute disposition adoptée uniquement en anglais.

Refonte supplémentaire

(4) Le lieutenant-gouverneur peut faire déposer le Dépôt du deuxième tome, revêtu de la signature du lieutenant-gouverneur et de celle du procureur général, dans le bureau du greffier de l'Assemblée.

(5) Le lieutenant-gouverneur peut, par proclamation, fixer Proclamation le jour où les versions française et anglaise des lois publiées dans le deuxième tome entrent en vigueur.

(6) À partir du jour fixé, les versions française et anglaise Effet des lois publiées dans le deuxième tome sont en vigueur

References to repealed statutes

**8.** After the Revised Statutes of Ontario, 1990 come into force, a reference in an unrepealed and unconsolidated statute or in any other document to a statute or provision that is repealed, replaced and consolidated shall be deemed to be a reference to the corresponding statute or provision in the Revised Statutes of Ontario, 1990.

Evidence

**9.** The texts that purport to be printed by the Queen's Printer as the Revised Statutes of Ontario, 1990 shall be received in evidence as those revised statutes without further proof.

Distribution and sale

**10.** The Lieutenant Governor in Council may direct in what manner the Revised Statutes of Ontario, 1990 shall be distributed and the price at which copies shall be sold by the Queen's Printer.

Production cost, remuneration and expenses

11. The cost of producing the Revised Statutes of Ontario, 1990, including the remuneration and expenses of the commissioners and the persons who assist them, shall be paid out of the moneys appropriated for the purpose by the Legislature.

Citation

**12.** A chapter of the Revised Statutes of Ontario, 1990 may be cited by its English or French title, as "Revised Statutes of Ontario, 1990, chapter (number)", as "Lois refondues de l'Ontario de 1990, chapitre (number)", as "R.S.O. 1990, c. (number)" or as "L.R.O. 1990, chap. (number)".

Commencement **13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** The short title of this Act is the *Statutes Revision Act*, 1989.

comme si elles faisaient partie de la présente loi, et les versions de ces mêmes lois publiées dans le premier tome sont abrogées ce même jour.

8 Après l'entrée en vigueur des Lois refondues de Renvois aux l'Ontario de 1990, le renvoi, soit dans une loi qui n'est ni abrogée ni codifiée, soit dans tout autre document, à une loi ou à une disposition qui est abrogée, remplacée et codifiée, est réputé un renvoi à la loi ou à la disposition correspondante des Lois refondues de l'Ontario de 1990.

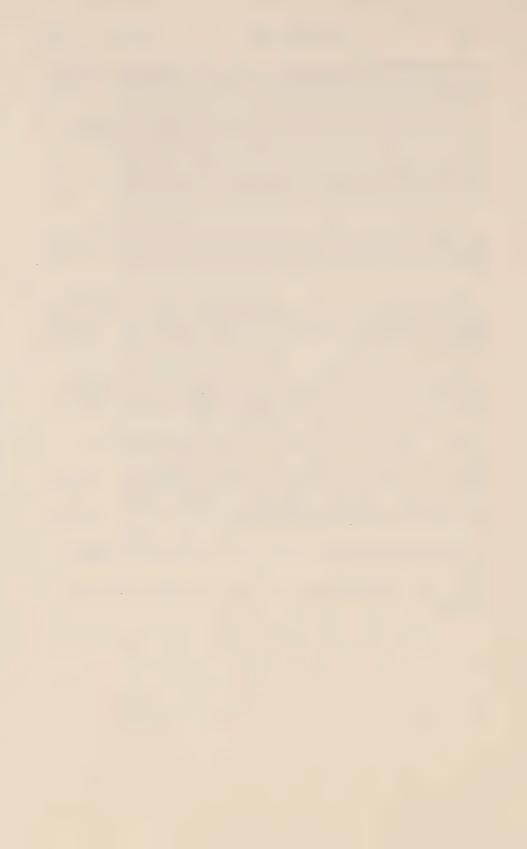
9 Les textes qui se présentent comme ayant été imprimés Preuve par l'Imprimeur de la Reine sous le titre de Lois refondues de l'Ontario de 1990 sont reçus en preuve à ce titre sans autre preuve.

10 Le lieutenant-gouverneur en conseil peut ordonner de Distribution et quelle manière les Lois refondues de l'Ontario de 1990 sont distribuées, ainsi que le prix auquel elles sont vendues par l'Imprimeur de la Reine.

11 Le coût de production des Lois refondues de l'Ontario Coût de de 1990, y compris la rémunération et les débours des commissaires et des personnes qui les aident, est prélevé sur les et débours sommes qu'affecte la Législature à cette fin.

12 La citation d'un chapitre des Lois refondues de Citation l'Ontario de 1990 peut se faire sous son titre français ou anglais selon l'une des formules suivantes : «Lois refondues de l'Ontario de 1990, chapitre (numéro)»; «Revised Statutes of 1990, chapter (numéro)»; «L.R.O. chap. (numéro)»; «R.S.O. 1990, c. (numéro)».

- 13 La présente loi entre en vigueur le jour où elle reçoit la Entrée en sanction royale.
- 14 Le titre abrégé de la présente loi est Loi de 1989 sur la Titre abrégé refonte des lois.



Projet de loi 74

Government Publications

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

2º SESSION, 34º LÉGISLATURE, ONTARIO 38 ELIZABETH II, 1989

## Bill 74

(Chapter 81 Statutes of Ontario, 1989)

An Act to provide for the Consolidation and Revision of the Statutes of Ontario

The Hon. I. Scott Attorney General

# Projet de loi 74

(Chapitre 81 Lois de l'Ontario de 1989)

Loi prévoyant la codification et la refonte des lois de l'Ontario

L'honorable I. Scott procureur général



1st Reading November 6th, 1989

2nd Reading December 18th, 1989

3rd Reading December 19th, 1989

Royal Assent December 19th, 1989

1<sup>re</sup> lecture 6 novembre 1989

2<sup>e</sup> lecture 18 décembre 1989

*3e lecture* 19 décembre 1989

sanction royale 19 décembre 1989

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1989

## An Act to provide for the Consolidation and Revision of the Statutes of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment of commissioners

1.—(1) Donald L. Revell, Senior Legislative Counsel, A. Sidney Tucker, Deputy Senior Legislative Counsel and Margaret MacKinnon, Deputy Senior Legislative Counsel, are appointed commissioners to consolidate and revise the public general statutes of Ontario in accordance with this Act.

Idem

(2) The Lieutenant Governor in Council may appoint additional commissioners.

Duties of commissioners

1986, c. 45

**2.** The commissioners shall examine the public general statutes of Ontario enacted before the 1st day of January, 1991 and the French translations prepared under subsection 4 (1) of the *French Language Services Act*, 1986 and arrange, consolidate and revise them in accordance with this Act.

Powers of commissioners

- **3.** The commissioners may,
  - (a) omit statutes and provisions that are not of general application or that are obsolete;
  - (b) alter numbering and arrangement;
  - (c) make changes in language, including punctuation, in order to achieve greater uniformity;
  - (d) make any changes that are necessary to bring out more clearly what is considered to be the Legislature's intention, to reconcile apparently inconsistent provisions or to correct clerical, grammatical or typographical errors.

### Projet de loi 74

1989

### Loi prévoyant la codification et la refonte des lois de l'Ontario

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit:

1 (1) Sont nommés commissaires et chargés de codifier et Nomination de refondre conformément à la présente loi les lois d'intérêt saires public et général de l'Ontario, Donald L. Revell, premier conseiller législatif, A. Sidney Tucker, premier conseiller législatif adjoint et Margaret MacKinnon, première conseillère législative adjointe.

- (2) Le lieutenant-gouverneur en conseil peut nommer Idem d'autres commissaires.
- 2 Les commissaires étudient les lois d'intérêt public et Fonctions des général de l'Ontario qui ont été adoptées avant le 1er janvier 1991, ainsi que les traductions françaises préparées aux termes du paragraphe 4 (1) de la Loi de 1986 sur les services en français, et les arrangent, les codifient et les refondent conformément à la présente loi.

commissaires

1986, chap. 45

### 3 Les commissaires peuvent :

Pouvoirs des commissaires

- a) omettre des lois et des dispositions qui ne sont pas de portée générale ou qui sont caduques;
- modifier la numérotation et l'économie des lois; b)
- modifier la forme des lois afin de contribuer à leur c) uniformité;
- apporter toute modification qui s'impose afin de d) mieux exprimer ce que l'on considère être l'intention de la Législature, de concilier des dispositions apparemment incompatibles ou de corriger des erreurs de copie, notamment des fautes grammaticales ou typographiques.

Deposit of revised bilingual statutes **4.**—(1) As soon as the commissioners report that the consolidation and revision that this Act requires are complete, the Lieutenant Governor may cause a set of printed volumes containing the consolidated and revised text to be deposited in the office of the Clerk of the Assembly.

Signatures

(2) Each volume in the set that is deposited shall be signed by the Lieutenant Governor and the Attorney General.

Title

(3) The English title of the consolidated and revised text is "Revised Statutes of Ontario, 1990" and the French title is "Lois refondues de l'Ontario de 1990".

French version

1986, c. 45

(4) Deposit of the set of printed volumes in accordance with subsection (1) shall be deemed to constitute compliance with subsection 4 (2) of the *French Language Services Act*, 1986.

Appendix and schedules

- **5.**—(1) The following shall be deposited with the set of printed volumes:
  - 1. An appendix containing the constitutional statutes set out in Appendix B to the Revised Statutes of Ontario, 1980, and such other constitutional statutes as the commissioners consider it appropriate to include.
  - 2. A schedule (Schedule A) showing what statutes contained in the Revised Statutes of Ontario, 1980 and other statutes are repealed in whole (or in part, and to what extent) on the day the Revised Statutes of Ontario, 1990 take effect.
  - 3. A schedule (Schedule B) showing what statutes and provisions are repealed, replaced and consolidated by the Revised Statutes of Ontario, 1990 and also showing what parts of the Revised Statutes of Ontario, 1980 and statutes passed subsequently are not consolidated.
  - 4. A schedule (Schedule C) showing what public statutes passed by the Legislature after the 1st day of July, 1867 are unrepealed and unconsolidated.

Effect of inclusion or omission of statute

(2) The fact that a statute or provision is included in or omitted from a schedule is not a declaration that it was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1990.

4 (1) Aussitôt que les commissaires déclarent achevées la Dépôt des lois codification et la refonte exigées par la présente loi, le refondues lieutenant-gouverneur peut faire déposer dans le bureau du greffier de l'Assemblée une série de volumes imprimés qui contient les lois codifiées et refondues.

(2) Chacun des volumes de la série qui fait l'objet du dépôt Signatures est revêtu de la signature du lieutenant-gouverneur et de celle du procureur général.

(3) Le recueil des lois codifiées et refondues s'intitule «Lois Titre refondues de l'Ontario de 1990» en français et «Revised Statutes of Ontario, 1990» en anglais.

(4) Le dépôt, conformément au paragraphe (1), de la série de volumes imprimés est réputé constituer l'observation du paragraphe 4 (2) de la Loi de 1986 sur les services en français.

Version française 1986, chap. 45

5 (1) Sont déposés avec la série de volumes imprimés les documents suivants:

Appendice et annexes

- Un appendice qui contient les lois constitutionnelles figurant à l'appendice B des Lois refondues de l'Ontario de 1980, ainsi que les autres lois constitutionnelles que les commissaires jugent opportun d'v inclure.
- Une annexe (annexe A) qui énumère les lois faisant partie des Lois refondues de l'Ontario de 1980 et les autres lois qui, le jour de l'entrée en vigueur des Lois refondues de l'Ontario de 1990, sont abrogées en tout ou en partie. En cas d'abrogation partielle, l'annexe indique la portée de l'abrogation.
- Une annexe (annexe B) qui indique quelles lois et 3. dispositions sont abrogées, remplacées et codifiées par les Lois refondues de l'Ontario de 1990, et qui indique également quelles parties des Lois refondues de l'Ontario de 1980 et quelles lois adoptées subséquemment ne sont pas codifiées.
- 4. Une annexe (annexe C) qui indique quelles lois d'intérêt public adoptées par la Législature après le 1<sup>er</sup> juillet 1867 ne sont ni abrogées ni codifiées.
- (2) L'inclusion ou l'omission d'une loi ou d'une disposition Inclusion ou dans une annexe ne constitue pas une affirmation que la loi ou d'une loi ou d'une loi la disposition était en vigueur immédiatement avant l'entrée en vigueur des Lois refondues de l'Ontario de 1990, ou ne l'était pas.

Effect of Schedule C (3) The schedule referred to in paragraph 4 of subsection (1) is prepared for purposes of information only.

Proclamation

**6.**—(1) After the set of printed volumes is deposited in accordance with section 4, the Lieutenant Governor may by proclamation name the day on which the consolidated and revised English and French versions of the statutes come into force.

Effect

(2) On and after the named day, the English and French versions of the Revised Statutes of Ontario, 1990 are in force as though they were part of this Act.

Idem

(3) On the named day, the statutes and provisions listed in Schedule A are repealed to the extent shown in that schedule.

Acts enacted between Jan. 1, 1990 and proclamation of R.S.O. 1990 7.—(1) Acts that are enacted after the 31st day of December, 1990 and before the day the Revised Statutes of Ontario, 1990 come into force and that refer to statutes or provisions that are to be included in the Revised Statutes of Ontario, 1990 shall be deemed to refer to the corresponding statutes or provisions in the Revised Statutes of Ontario, 1990.

Statutes of Ontario, 1991 (2) The Statutes of Ontario, 1991 shall be published in two volumes, one showing them in the form in which they are enacted and a second volume containing only the public general statutes.

Supplementary revision (3) The commissioners shall ensure that the statutes published in the second volume are revised so as to refer to the Revised Statutes of Ontario, 1990 and include French translations of any provisions enacted in English only.

Deposit of second volume

(4) The Lieutenant Governor may cause the second volume, signed by the Lieutenant Governor and the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclamation

(5) The Lieutenant Governor may by proclamation name the day on which the English and French versions of the statutes published in the second volume come into force.

Effect

(6) On and after the named day, the English and French versions of the statutes published in the second volume are in force as though they were part of this Act, and the versions of those statutes published in the first volume are repealed on that day.

- (3) L'annexe visée à la disposition 4 du paragraphe (1) n'est Effet de préparée qu'à des fins d'information.
- 6 (1) Après le dépôt, conformément à l'article 4, de la Proclamation série de volumes imprimés, le lieutenant-gouverneur peut, par proclamation, fixer le jour où les versions française et anglaise des lois codifiées et refondues entrent en vigueur.

(2) À partir du jour fixé, les versions française et anglaise Effet des Lois refondues de l'Ontario de 1990 sont en vigueur comme si elles faisaient partie de la présente loi.

(3) À partir du jour fixé, les lois et les dispositions énumé- Idem rées à l'annexe A sont abrogées dans la mesure qu'indique cette annexe.

**7** (1) Les lois adoptées après le 31 décembre 1990 et Lois adoptées avant le jour de l'entrée en vigueur des Lois refondues de let janvier l'Ontario de 1990 qui renvoient à des lois ou à des dispositions 1990 et la qui doivent faire partie des Lois refondues de l'Ontario de proclamation des 1990 sont réputées renvoyer aux lois ou aux dispositions cor- L.R.O. de respondantes des Lois refondues de l'Ontario de 1990.

(2) Les Lois de l'Ontario de 1991 sont publiées en deux Lois de tomes : le premier tome contient les lois sous la forme de leur 1991 adoption et le deuxième tome ne contient que les lois d'intérêt public et général.

(3) Les commissaires veillent à ce que les lois publiées dans Refonte suple deuxième tome soient refondues de façon à renvoyer aux Lois refondues de l'Ontario de 1990, et à ce qu'elles comprennent une traduction française de toute disposition adoptée uniquement en anglais.

plémentaire

(4) Le lieutenant-gouverneur peut faire déposer le Dépôt du deuxième tome, revêtu de la signature du lieutenant-gouverneur et de celle du procureur général, dans le bureau du greffier de l'Assemblée.

(5) Le lieutenant-gouverneur peut, par proclamation, fixer Proclamation le jour où les versions française et anglaise des lois publiées dans le deuxième tome entrent en vigueur.

(6) À partir du jour fixé, les versions française et anglaise Effet des lois publiées dans le deuxième tome sont en vigueur

References to repealed statutes

**8.** After the Revised Statutes of Ontario, 1990 come into force, a reference in an unrepealed and unconsolidated statute or in any other document to a statute or provision that is repealed, replaced and consolidated shall be deemed to be a reference to the corresponding statute or provision in the Revised Statutes of Ontario, 1990.

Evidence

**9.** The texts that purport to be printed by the Queen's Printer as the Revised Statutes of Ontario, 1990 shall be received in evidence as those revised statutes without further proof.

Distribution and sale

**10.** The Lieutenant Governor in Council may direct in what manner the Revised Statutes of Ontario, 1990 shall be distributed and the price at which copies shall be sold by the Queen's Printer.

Production cost, remuneration and expenses

11. The cost of producing the Revised Statutes of Ontario, 1990, including the remuneration and expenses of the commissioners and the persons who assist them, shall be paid out of the moneys appropriated for the purpose by the Legislature.

Citation

**12.** A chapter of the Revised Statutes of Ontario, 1990 may be cited by its English or French title, as "Revised Statutes of Ontario, 1990, chapter (*number*)", as "Lois refondues de l'Ontario de 1990, chapitre (*number*)", as "R.S.O. 1990, c. (*number*)" or as "L.R.O. 1990, chap. (*number*)".

Commencement **13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** The short title of this Act is the *Statutes Revision Act*, 1989.

comme si elles faisaient partie de la présente loi, et les versions de ces mêmes lois publiées dans le premier tome sont abrogées ce même jour.

8 Après l'entrée en vigueur des Lois refondues de Renvois aux l'Ontario de 1990, le renvoi, soit dans une loi qui n'est ni abrogée ni codifiée, soit dans tout autre document, à une loi ou à une disposition qui est abrogée, remplacée et codifiée, est réputé un renvoi à la loi ou à la disposition correspondante des Lois refondues de l'Ontario de 1990.

lois abrogées

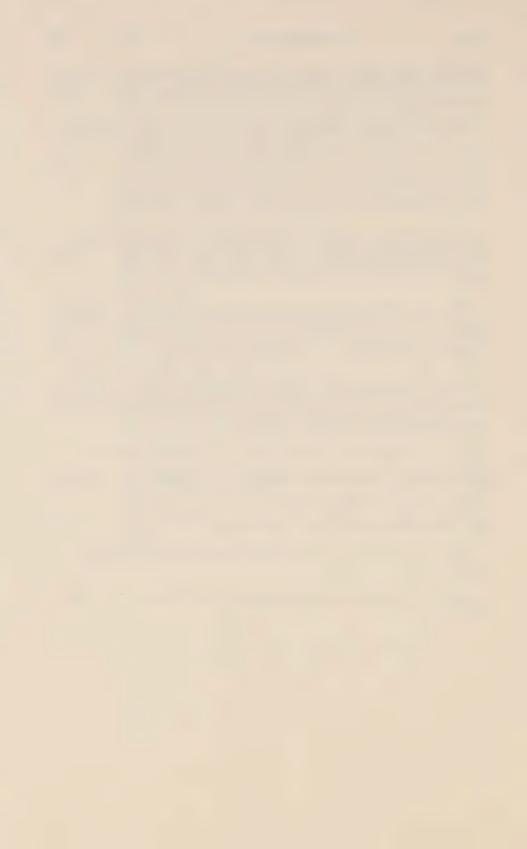
9 Les textes qui se présentent comme ayant été imprimés Preuve par l'Imprimeur de la Reine sous le titre de Lois refondues de l'Ontario de 1990 sont reçus en preuve à ce titre sans autre preuve.

10 Le lieutenant-gouverneur en conseil peut ordonner de Distribution et quelle manière les Lois refondues de l'Ontario de 1990 sont distribuées, ainsi que le prix auquel elles sont vendues par l'Imprimeur de la Reine.

11 Le coût de production des Lois refondues de l'Ontario Coût de de 1990, y compris la rémunération et les débours des commissaires et des personnes qui les aident, est prélevé sur les et débours sommes qu'affecte la Législature à cette fin.

12 La citation d'un chapitre des Lois refondues de Citation l'Ontario de 1990 peut se faire sous son titre français ou anglais selon l'une des formules suivantes : «Lois refondues de l'Ontario de 1990, chapitre (numéro)»; «Revised Statutes of 1990, chapter (numéro)»; «L.R.O. chap. (numéro)»; «R.S.O. 1990, c. (numéro)».

- 13 La présente loi entre en vigueur le jour où elle reçoit la Entrée en sanction royale.
- 14 Le titre abrégé de la présente loi est Loi de 1989 sur la Titre abrégé refonte des lois.







Bill 75 - 356

**Government Bill** 

Projet de loi 75

du gouvernement

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

2º SESSION, 34º LÉGISLATURE, ONTARIO 38 ELIZABETH II, 1989

## Bill 75

An Act to provide for the Consolidation and Revision of the Regulations of Ontario

The Hon. I. Scott

Attorney General

1st Reading November 6th, 1989

2nd Reading

3rd Reading

Royal Assent

Projet de loi 75

Loi prévoyant la codification et la refonte des règlements de l'Ontario

L'honorable I. Scott procureur général



1<sup>re</sup> lecture
2<sup>e</sup> lecture

6 novembre 1989

2 - 1

3<sup>e</sup> lecture

sanction royale

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#### **EXPLANATORY NOTE**

The Bill authorizes the preparation of a consolidation and revision of the regulations of Ontario, as they stand at the end of 1990.

#### NOTES EXPLICATIVES

Le projet de loi a pour objet d'autoriser la codification et la refonte des règlements de l'Ontario, tels qu'ils existent à la fin de l'année 1990.

**Bill 75** 

1989

### An Act to provide for the Consolidation and **Revision of the Regulations of Ontario**

REGULATIONS REVISION

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment of commissioners

**1.**—(1) Russell Yurkow, Registrar of Regulations, Donald L. Revell, Senior Legislative Counsel, A. Sidney Tucker, Deputy Senior Legislative Counsel, and Michael J.B. Wood, Legislative Counsel, are hereby appointed commissioners to consolidate and revise, in accordance with this Act, the regulations filed under the Regulations Act.

R.S.O. 1980, c. 446

Idem

(2) The Lieutenant Governor in Council may appoint additional commissioners.

Duties of commissioners

2. The commissioners shall examine the Revised Regulations of Ontario, 1980 and the regulations filed under the Regulations Act before the 1st day of January, 1991 and arrange, consolidate and revise them as this Act provides.

Powers of commissioners

- **3.** The commissioners may,
  - omit regulations and provisions that are not of general application or that are obsolete;
  - (b) alter numbering and arrangement;
  - (c) make changes in language, including punctuation, in order to achieve greater uniformity;
  - (d) make any changes that are necessary to bring out more clearly what is considered to be the intention of the authority that made the regulation, to reconcile apparently inconsistent provisions or to correct clerical, grammatical or typographical errors.

## Projet de loi 75

1989

### Loi prévoyant la codification et la refonte des règlements de l'Ontario

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 (1) Sont nommés commissaires et chargés de codifier et Nomination de refondre conformément à la présente loi les règlements saires déposés aux termes de la Loi sur les règlements, Russell L.R.O. 1980, Yurkow, registrateur des règlements, Donald L. Revell, premier conseiller législatif, A. Sidney Tucker, premier conseiller législatif adjoint et Michael J.B. Wood, conseiller législatif.

chap. 446

- (2) Le lieutenant-gouverneur en conseil peut nommer Idem d'autres commissaires.
- 2 Les commissaires étudient les Règlements refondus de Fonctions des l'Ontario de 1980 ainsi que les règlements qui ont été déposés aux termes de la Loi sur les règlements avant le 1er janvier 1991, et les arrangent, les codifient et les refondent conformément à la présente loi.

commissaires

#### 3 Les commissaires peuvent :

Pouvoirs des

- omettre des règlements et des dispositions qui ne a) sont pas de portée générale ou qui sont caducs;
- b) modifier la numérotation et l'économie des règlements;
- c) modifier la forme des règlements afin de contribuer à leur uniformité;
- d) apporter toute modification qui s'impose afin de mieux exprimer ce que l'on considère être l'intention de l'autorité qui a pris le règlement, de concilier des dispositions apparemment incompatibles ou de corriger des erreurs de copie, notamment des fautes grammaticales ou typographiques.

Deposit of revised regulations

**4.**—(1) As soon as the commissioners report that the consolidation and revision that this Act requires are complete, the Lieutenant Governor may cause a set of printed volumes containing the consolidated and revised text to be deposited in the office of the Clerk of the Assembly.

Signatures

(2) Each volume in the set that is deposited shall be signed by the Lieutenant Governor and the Attorney General.

Title

(3) The English title of the consolidated and revised text is "Revised Regulations of Ontario, 1990" and the French title is "Règlements refondus de l'Ontario de 1990".

Schedule

- **5.** The commissioners shall prepare, and there shall be deposited with the set of printed volumes, a schedule listing,
  - (a) all regulations shown in the schedule to the Revised Regulations of Ontario, 1980 that have not been revoked; and
  - (b) all regulations filed after the 31st day of December, 1980 and before the 1st day of January, 1991 that were omitted by the commissioners as not of general application.

Proclamation

**6.**—(1) After the set of printed volumes is deposited in accordance with section 4, the Lieutenant Governor may by proclamation name the day on which the consolidated and revised regulations come into force.

Effect R.S.O. 1980, (2) On the named day, the Revised Regulations of Ontario, 1980 and the regulations filed under the *Regulations Act* after the 31st day of December, 1980 and before the 1st day of January, 1991 are revoked.

Exception

(3) Subsection (2) does not apply to revoke a regulation that is listed in the schedule prepared and deposited under section 5.

Regulations filed between January 1, 1990 and proclamation of R.R.O. 1990 7.—(1) Regulations that are filed after the 31st day of December, 1990 and before the day that the Revised Regulations of Ontario, 1990 come into force and that refer to regulations that are to be included in the Revised Regulations of Ontario, 1990 or to statutes or provisions that are to be included in the Revised Statutes of Ontario, 1990 shall be deemed to refer to the corresponding regulation in the Revised Regulations of Ontario, 1990 or to the corresponding statute or provision in the Revised Statutes of Ontario, 1990, as the case may be.

4 (1) Aussitôt que les commissaires déclarent achevées la Dépôt des codification et la refonte exigées par la présente loi, le refondus lieutenant-gouverneur peut faire déposer dans le bureau du greffier de l'Assemblée une série de volumes imprimés qui contient les règlements codifiés et refondus.

(2) Chacun des volumes de la série qui fait l'objet du dépôt Signatures est revêtu de la signature du lieutenant-gouverneur et de celle du procureur général.

- (3) Le recueil des règlements codifiés et refondus s'intitule Titre «Règlements refondus de l'Ontario de 1990» en français et «Revised Regulations of Ontario, 1990» en anglais.
- 5 Il est déposé, avec la série de volumes imprimés, une Annexe annexe qui est préparée par les commissaires et qui énumère :
  - a) tous les règlements figurant dans l'annexe des Règlements refondus de l'Ontario de 1980 qui n'ont pas été abrogés;
  - tous les règlements déposés après le 31 décembre 1980 et avant le 1er janvier 1991 qui ont été omis par les commissaires parce qu'ils ne sont pas de portée générale.
- 6 (1) Après le dépôt, conformément à l'article 4, de la Proclamation série de volumes imprimés, le lieutenant-gouverneur peut, par proclamation, fixer le jour où les règlements codifiés et refondus entrent en vigueur.

(2) À partir du jour fixé, les Règlements refondus de Effet l'Ontario de 1980 et les règlements déposés aux termes de la Loi sur les règlements après le 31 décembre 1980 et avant le L.R.O. 1980, 1<sup>er</sup> janvier 1991 sont abrogés.

(3) Le paragraphe (2) n'a pas pour effet d'abroger un règle- Exception ment figurant dans l'annexe préparée et déposée aux termes de l'article 5.

7 (1) Les règlements déposés après le 31 décembre 1990 et avant le jour de l'entrée en vigueur des Règlements refondus de l'Ontario de 1990 qui renvoient à des règlements qui doivent faire partie des Règlements refondus de l'Ontario de 1990 ou à des lois ou à des dispositions qui doivent faire partie R.R.O. de des Lois refondues de l'Ontario de 1990 sont réputés renvoyer aux règlements correspondants des Règlements refondus de l'Ontario de 1990 ou aux lois ou aux dispositions correspondantes des Lois refondues de l'Ontario de 1990, selon le cas.

Règlements déposés entre le 1er janvier 1990 et la proclamation

Publication of supplementary revision (2) After the Revised Regulations of Ontario, 1990 come into force, the commissioners shall cause the regulations filed during the period described in subsection (1), with appropriate changes, to be published in *The Ontario Gazette*.

Effect

- (3) When the supplementary revision is published in *The Ontario Gazette*,
  - (a) the regulations contained in it shall be deemed to have been filed on the day the Revised Regulations of Ontario, 1990 came into force; and
  - (b) the regulations filed during the period described in subsection (1) shall be deemed to have been revoked on that day.

References to revoked regulations

**8.** After the Revised Regulations of Ontario, 1990 come into force, a reference in an unrevoked and unconsolidated regulation or in any other document to a regulation that is revoked, replaced and consolidated shall be deemed to be reference to the corresponding regulation in the Revised Regulations of Ontario, 1990.

Evidence

**9.** The texts that purport to be printed by the Queen's Printer as the Revised Regulations of Ontario, 1990 shall be received in evidence as those revised regulations without further proof.

Distribution and sale

**10.** The Lieutenant Governor in Council may direct in what manner the Revised Regulations of Ontario, 1990 shall be distributed and the price at which copies shall be sold by the Queen's Printer.

Production cost, remuneration and expenses

11. The cost of producing the Revised Regulations of Ontario, 1990, including the remuneration and expenses of the commissioners and the persons who assist them, shall be paid out of the moneys appropriated for the purpose by the Legislature.

Citation

12. A regulation in the Revised Regulations of Ontario, 1990 may be cited as "Revised Regulations of Ontario, 1990, Regulation (number)", as "Règlements refondus de l'Ontario de 1990, Règlement (number)", as "R.R.O. 1990, Reg. (number)" or as "R.R.O. 1990, Règl. (number)".

(2) Après l'entrée en vigueur des Règlements refondus de Publication de l'Ontario de 1990, les commissaires font publier dans la plémentaire Gazette de l'Ontario les règlements déposés pendant la période visée au paragraphe (1), avec les modifications qui s'imposent.

- (3) Lorsque la refonte supplémentaire est publiée dans la Effet Gazette de l'Ontario:
  - les règlements qu'elle contient sont réputés avoir a) été déposés le jour de l'entrée en vigueur des Règlements refondus de l'Ontario de 1990;
  - les règlements déposés pendant la période visée au paragraphe (1) sont réputés avoir été abrogés ce même jour.
- 8 Après l'entrée en vigueur des Règlements refondus de Renvois aux l'Ontario de 1990, le renvoi, soit dans un règlement qui n'est abrogés ni abrogé ni codifié, soit dans tout autre document, d'un règlement qui est révoqué, remplacé et codifié, est réputé un renvoi au règlement correspondant des Règlements refondus de l'Ontario de 1990.

9 Les textes qui se présentent comme ayant été imprimés Preuve par l'Imprimeur de la Reine sous le titre de Règlements refondus de l'Ontario de 1990 sont reçus en preuve à ce titre sans autre preuve.

10 Le lieutenant-gouverneur en conseil peut ordonner de Distribution et quelle manière les Règlements refondus de l'Ontario de 1990 sont distribués, ainsi que le prix auquel ils sont vendus par l'Imprimeur de la Reine.

11 Le coût de production des Règlements refondus de Coût de l'Ontario de 1990, y compris la rémunération et les débours rémunération des commissaires et des personnes qui les aident, est prélevé et débours sur les sommes qu'affecte la Législature à cette fin.

12 La citation d'un règlement des Règlements refondus de Citation l'Ontario de 1990 peut se faire selon l'une des formules suivantes : «Règlements refondus de l'Ontario de 1990, Règlement (numéro)»; «Revised Regulations of Ontario, 1990, Regulation (numéro)»; «R.R.O. 1990, Règl. (numéro)»; «R.R.O. 1990, Reg. (numéro)».

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the Regulations Revision Act, 1989.

- 13 La présente loi entre en vigueur le jour où elle reçoit la Entrée en sanction royale.
- **14** Le titre abrégé de la présente loi est *Loi de 1989 sur la* Titre abrégé refonte des règlements.



Projet de loi 75

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

2º SESSION, 34º LÉGISLATURE, ONTARIO 38 ELIZABETH II, 1989

## Bill 75

(Chapter 82 Statutes of Ontario, 1989)

An Act to provide for the Consolidation and Revision of the Regulations of Ontario

The Hon. I. Scott

Attorney General

November 6th, 1989 December 18th, 1989

3rd Reading December 19th, 1989

1st Reading

2nd Reading

Royal Assent December 19th, 1989

Projet de loi 75

(Chapitre 82 Lois de l'Ontario de 1989)

Loi prévoyant la codification et la refonte des règlements de l'Ontario

L'honorable I. Scott procureur général



1<sup>re</sup> lecture 6 novembre 1989

2<sup>e</sup> lecture 18 décembre 1989

*3e lecture* 19 décembre 1989

sanction royale 19 décembre 1989

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Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario **Bill 75** 

1989

# An Act to provide for the Consolidation and Revision of the Regulations of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment of commissioners

1.—(1) Russell Yurkow, Registrar of Regulations, Donald L. Revell, Senior Legislative Counsel, A. Sidney Tucker, Deputy Senior Legislative Counsel, and Michael J.B. Wood, Legislative Counsel, are hereby appointed commissioners to consolidate and revise, in accordance with this Act, the regulations filed under the *Regulations Act*.

R.S.O. 1980, c. 446

Idem

(2) The Lieutenant Governor in Council may appoint additional commissioners.

Duties of commissioners

**2.** The commissioners shall examine the Revised Regulations of Ontario, 1980 and the regulations filed under the *Regulations Act* before the 1st day of January, 1991 and arrange, consolidate and revise them as this Act provides.

Powers of commissioners

- **3.** The commissioners may,
  - (a) omit regulations and provisions that are not of general application or that are obsolete;
  - (b) alter numbering and arrangement;
  - (c) make changes in language, including punctuation, in order to achieve greater uniformity;
  - (d) make any changes that are necessary to bring out more clearly what is considered to be the intention of the authority that made the regulation, to reconcile apparently inconsistent provisions or to correct clerical, grammatical or typographical errors.

### Projet de loi 75

1989

### Loi prévoyant la codification et la refonte des règlements de l'Ontario

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 (1) Sont nommés commissaires et chargés de codifier et Nomination de refondre conformément à la présente loi les règlements saires déposés aux termes de la Loi sur les règlements, Russell L.R.O. 1980, Yurkow, registrateur des règlements, Donald L. Revell, pre-chap. 446 mier conseiller législatif, A. Sidney Tucker, premier conseiller législatif adjoint et Michael J.B. Wood, conseiller législatif.

- (2) Le lieutenant-gouverneur en conseil peut nommer Idem d'autres commissaires.
- 2 Les commissaires étudient les Règlements refondus de Fonctions des l'Ontario de 1980 ainsi que les règlements qui ont été déposés aux termes de la Loi sur les règlements avant le 1er janvier 1991, et les arrangent, les codifient et les refondent conformément à la présente loi.

#### 3 Les commissaires peuvent :

Pouvoirs des commissaires

- omettre des règlements et des dispositions qui ne a) sont pas de portée générale ou qui sont caducs;
- modifier la numérotation et l'économie des règleb) ments:
- modifier la forme des règlements afin de contribuer c) à leur uniformité:
- apporter toute modification qui s'impose afin de d) mieux exprimer ce que l'on considère être l'intention de l'autorité qui a pris le règlement, de concilier des dispositions apparemment incompatibles ou de corriger des erreurs de copie, notamment des fautes grammaticales ou typographiques.

Deposit of revised regulations

**4.**—(1) As soon as the commissioners report that the consolidation and revision that this Act requires are complete, the Lieutenant Governor may cause a set of printed volumes containing the consolidated and revised text to be deposited in the office of the Clerk of the Assembly.

Signatures

(2) Each volume in the set that is deposited shall be signed by the Lieutenant Governor and the Attorney General.

Title

(3) The English title of the consolidated and revised text is "Revised Regulations of Ontario, 1990" and the French title is "Règlements refondus de l'Ontario de 1990".

Schedule

- 5. The commissioners shall prepare, and there shall be deposited with the set of printed volumes, a schedule listing,
  - all regulations shown in the schedule to the Revised Regulations of Ontario, 1980 that have not been revoked; and
  - (b) all regulations filed after the 31st day of December, 1980 and before the 1st day of January, 1991 that were omitted by the commissioners as not of general application.

Proclamation

6.—(1) After the set of printed volumes is deposited in accordance with section 4, the Lieutenant Governor may by proclamation name the day on which the consolidated and revised regulations come into force.

Effect R.S.O. 1980, c. 446

(2) On the named day, the Revised Regulations of Ontario, 1980 and the regulations filed under the Regulations Act after the 31st day of December, 1980 and before the 1st day of January, 1991 are revoked.

Exception

(3) Subsection (2) does not apply to revoke a regulation that is listed in the schedule prepared and deposited under section 5.

Regulations filed between January 1, 1990 and proclamation of

R.R.O. 1990

7.—(1) Regulations that are filed after the 31st day of December, 1990 and before the day that the Revised Regulations of Ontario, 1990 come into force and that refer to regulations that are to be included in the Revised Regulations of Ontario, 1990 or to statutes or provisions that are to be included in the Revised Statutes of Ontario, 1990 shall be deemed to refer to the corresponding regulation in the Revised Regulations of Ontario, 1990 or to the corresponding statute or provision in the Revised Statutes of Ontario, 1990, as the case may be.

4 (1) Aussitôt que les commissaires déclarent achevées la Dépôt des codification et la refonte exigées par la présente loi, le refondus lieutenant-gouverneur peut faire déposer dans le bureau du greffier de l'Assemblée une série de volumes imprimés qui contient les règlements codifiés et refondus.

(2) Chacun des volumes de la série qui fait l'objet du dépôt Signatures est revêtu de la signature du lieutenant-gouverneur et de celle du procureur général.

- (3) Le recueil des règlements codifiés et refondus s'intitule Titre «Règlements refondus de l'Ontario de 1990» en français et «Revised Regulations of Ontario, 1990» en anglais.
- 5 Il est déposé, avec la série de volumes imprimés, une Annexe annexe qui est préparée par les commissaires et qui énumère :
  - tous les règlements figurant dans l'annexe des a) Règlements refondus de l'Ontario de 1980 qui n'ont pas été abrogés;
  - tous les règlements déposés après le 31 décembre 1980 et avant le 1er janvier 1991 qui ont été omis par les commissaires parce qu'ils ne sont pas de portée générale.
- 6 (1) Après le dépôt, conformément à l'article 4, de la Proclamation série de volumes imprimés, le lieutenant-gouverneur peut, par proclamation, fixer le jour où les règlements codifiés et refondus entrent en vigueur.

(2) À partir du jour fixé, les Règlements refondus de Effet l'Ontario de 1980 et les règlements déposés aux termes de la Loi sur les règlements après le 31 décembre 1980 et avant le L.R.O. 1980, chap. 446 1<sup>er</sup> janvier 1991 sont abrogés.

(3) Le paragraphe (2) n'a pas pour effet d'abroger un règle- Exception ment figurant dans l'annexe préparée et déposée aux termes de l'article 5.

7 (1) Les règlements déposés après le 31 décembre 1990 Règlements et avant le jour de l'entrée en vigueur des Règlements refondus de l'Ontario de 1990 qui renvoient à des règlements qui 1990 et la doivent faire partie des Règlements refondus de l'Ontario de 1990 ou à des lois ou à des dispositions qui doivent faire partie R.R.O. de des Lois refondues de l'Ontario de 1990 sont réputés renvoyer aux règlements correspondants des Règlements refondus de l'Ontario de 1990 ou aux lois ou aux dispositions correspondantes des Lois refondues de l'Ontario de 1990, selon le cas.

déposés entre le 1er janvier

Publication of supplementary revision (2) After the Revised Regulations of Ontario, 1990 come into force, the commissioners shall cause the regulations filed during the period described in subsection (1), with appropriate changes, to be published in *The Ontario Gazette*.

Effect

- (3) When the supplementary revision is published in *The Ontario Gazette*,
  - (a) the regulations contained in it shall be deemed to have been filed on the day the Revised Regulations of Ontario, 1990 came into force; and
  - (b) the regulations filed during the period described in subsection (1) shall be deemed to have been revoked on that day.

References to revoked regulations **8.** After the Revised Regulations of Ontario, 1990 come into force, a reference in an unrevoked and unconsolidated regulation or in any other document to a regulation that is revoked, replaced and consolidated shall be deemed to be reference to the corresponding regulation in the Revised Regulations of Ontario, 1990.

Evidence

**9.** The texts that purport to be printed by the Queen's Printer as the Revised Regulations of Ontario, 1990 shall be received in evidence as those revised regulations without further proof.

Distribution and sale

**10.** The Lieutenant Governor in Council may direct in what manner the Revised Regulations of Ontario, 1990 shall be distributed and the price at which copies shall be sold by the Queen's Printer.

Production cost, remuneration and expenses

11. The cost of producing the Revised Regulations of Ontario, 1990, including the remuneration and expenses of the commissioners and the persons who assist them, shall be paid out of the moneys appropriated for the purpose by the Legislature.

Citation

**12.** A regulation in the Revised Regulations of Ontario, 1990 may be cited as "Revised Regulations of Ontario, 1990, Regulation (*number*)", as "Règlements refondus de l'Ontario de 1990, Règlement (*number*)", as "R.R.O. 1990, Reg. (*number*)" or as "R.R.O. 1990, Règl. (*number*)".

(2) Après l'entrée en vigueur des Règlements refondus de Publication de l'Ontario de 1990, les commissaires font publier dans la plémentaire Gazette de l'Ontario les règlements déposés pendant la période visée au paragraphe (1), avec les modifications qui s'imposent.

la refonte sup-

- (3) Lorsque la refonte supplémentaire est publiée dans la Effet Gazette de l'Ontario:
  - les règlements qu'elle contient sont réputés avoir été déposés le jour de l'entrée en vigueur des Règlements refondus de l'Ontario de 1990;
  - les règlements déposés pendant la période visée au paragraphe (1) sont réputés avoir été abrogés ce même jour.
- 8 Après l'entrée en vigueur des Règlements refondus de Renvois aux l'Ontario de 1990, le renvoi, soit dans un règlement qui n'est abrogés ni abrogé ni codifié, soit dans tout autre document, d'un règlement qui est révoqué, remplacé et codifié, est réputé un renvoi au règlement correspondant des Règlements refondus de l'Ontario de 1990.

9 Les textes qui se présentent comme ayant été imprimés Preuve par l'Imprimeur de la Reine sous le titre de Règlements refondus de l'Ontario de 1990 sont reçus en preuve à ce titre sans autre preuve.

10 Le lieutenant-gouverneur en conseil peut ordonner de Distribution et quelle manière les Règlements refondus de l'Ontario de 1990 sont distribués, ainsi que le prix auquel ils sont vendus par l'Imprimeur de la Reine.

11 Le coût de production des Règlements refondus de Coût de l'Ontario de 1990, y compris la rémunération et les débours rémunération des commissaires et des personnes qui les aident, est prélevé et débours sur les sommes qu'affecte la Législature à cette fin.

12 La citation d'un règlement des Règlements refondus de Citation l'Ontario de 1990 peut se faire selon l'une des formules suivantes : «Règlements refondus de l'Ontario de 1990, Règlement (numéro)»; «Revised Regulations of Ontario, 1990, Regulation (numéro)»; «R.R.O. 1990, Règl. (numéro)»; «R.R.O. 1990, Reg. (numéro)».

ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the Regulations Revision Act, 1989.

- La présente loi entre en vigueur le jour où elle reçoit la Entrée en sanction royale.
- Le titre abrégé de la présente loi est *Loi de 1989 sur la* Titre abrégé refonte des règlements.







2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill 76

## An Act to amend the Election Act, 1984

Mr. Cousens



1st Reading

November 6th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

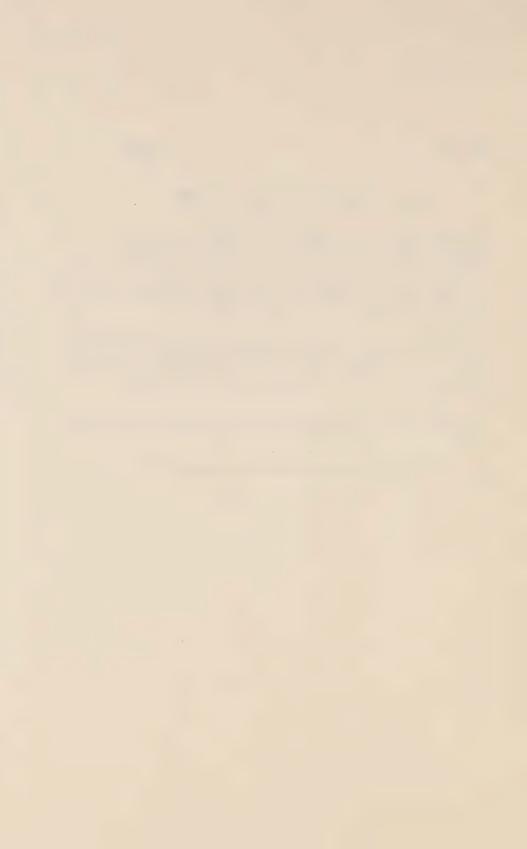
The Bill exempts members of the Canadian Forces and their spouses and children who live with them from the requirement of having resided in Ontario for the six months immediately before polling day for the purpose of being entitled to vote in an election to the Legislative Assembly.

Bill 76 1989

#### An Act to amend the Election Act, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 15 of the *Election Act*, 1984, being chapter 54, is amended by adding thereto the following subsection:
- (1a) Clause (1) (c), as re-enacted by subsection (2), does Exemption not apply to a person who on the general polling day is a  $_{\rm cl.(1)}$  (c) member of the Canadian Forces as defined by the *National R.S.C.* 1985, *Defence Act* (Canada) or a member's spouse or child living with him or her.
- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the *Election Amendment Act*, Short title 1989.



38 ELIZABETH II, 1989

## Bill77

## **An Act respecting International Development**

Mr. Johnston (Scarborough West)



1st Reading

November 6th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

The purpose of the Bill is to give the Council for International Cooperation - Ontario the responsibility for directing the allocation and distribution of money that may be appropriated by the Ontario Legislature to assist the various international voluntary development organizations that operate in Ontario. The Bill would authorize the Council to direct that grants be paid to support education projects in Ontario, development projects and emergency relief projects.

**Bill** 77 1989

### An Act respecting International Development

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Definitions

"Council" means the Council for International Cooperation -Ontario:

"international voluntary development organization" means a non-profit organization that operates in Ontario and that is engaged in international development activities, but does not include an agency, board or commission established by the Government of Ontario or another province or territory of Canada or the Government of Canada;

"Minister" means the Minister of Intergovernmental Affairs.

2. The Council shall be responsible for directing the allo-Responsication and distribution of any moneys that may be appropriated by the Legislature to assist international voluntary development organizations.

**3.**—(1) An international voluntary development organiza- Application tion may apply to the Council for a grant to support an education project in Ontario, a development project or an emergency relief project.

(2) The Council shall review each application that is sub-Review of mitted to it under subsection (1).

(3) Upon completing its review of an application, the Grant Council may direct the Treasurer of Ontario to pay a grant to the international voluntary development organization out of the moneys appropriated by the Legislature.

4. The Council shall consult and cooperate with the Cana- Cooperation dian International Development Agency.

Annual report

**5.**—(1) The Council shall make a report annually to the Minister with respect to the carrying out of its responsibilities under this Act.

Idem

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the annual report before the Assembly if it is in session or, if not, at the next session.

Reports

(3) The Council shall make further reports to the Minister in addition to the annual report as the Minister may require.

Audit

**6.**—(1) The accounts and financial transactions of the Council shall be audited annually by the Provincial Auditor, and reports of the audit shall be made by the Provincial Auditor to the Council and to the Minister.

Idem R.S.O. 1980,

(2) The Council shall be deemed to be an agency of the Crown for the purposes of the *Audit Act*.

Other grants

**7.** Nothing in this Act prevents the Government of Ontario from paying grants to international voluntary development organizations in addition to grants made under this Act.

Regulations

**8.** The Lieutenant Governor in Council may make regulations prescribing criteria to be considered by the Council in reviewing applications for grants.

Commencement **9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** The short title of this Act is the *International Development Act*, 1989.

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## **Bill** 78

### An Act to amend the Highway Traffic Act

Mr. Wildman



1st Reading November 8th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

The purpose of the Bill is to amend the *Highway Traffic Act* to add vehicles transporting livestock to the list of types of vehicles that are exempt from the basic weight restriction for reduced load periods.

Subsection 104a (1) of the Act sets out a general requirement that no commercial motor vehicle being operated on any designated highway during a reduced load period shall carry a load in excess of 5,000 kilograms per axle. Subsection 104a (2) sets out a list of types of vehicles that are exempt from the basic restriction of subsection 104a (1) and that are instead subject to a requirement that the maximum load per axle shall not exceed 7,500 kilograms. Under clause 104a (2) (c), vehicles transporting poultry are included in the list. The Bill amends clause 104a (2) (c) to add vehicles transporting livestock to the list.

Bill 78 1989

### An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause 104a (2) (c) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1981, chapter 48, section 10, is amended by adding at the end thereof "or livestock".
- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Highway Traffic Amend- Short title ment Act, 1989.



38 ELIZABETH II, 1989

### Bill79

An Act to amend Various Statutes in connection with information to be filed and records to be kept by Corporations and Limited Partnerships

The Hon. G. Sorbara

Minister of Consumer and Commercial Relations



1st Reading

November 9th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The Bill amends several statutes. The amendments primarily concern information to be filed and records to be kept by corporations and limited partnerships under the Corporations Information Act and the Limited Partnerships Act. The Bill also amends the Business Corporations Act, 1982, the Corporations Act and the Corporations Tax Act.

- SECTION 1. This section contains amendments to the Business Corporations Act, 1982.
- **Subsection 1.** New subsection 240 (2a) authorizes the Director to order the dissolution of a corporation that fails to comply with a filing requirement under the *Corporations Information Act* within a specified period.
- Subsection 2. The amendment adds an internal reference to new subsection (2a).
- **Subsection 3.** New section 272a provides that a certificate shall not be issued to a corporation that is in default of a filing requirement under the *Corporations Information Act* or that has unpaid fees or penalties.
- **SECTION 2.** This section contains amendments to the *Corporations Act*.
- **Subsection 1.** New subsection 5 (2) provides that supplementary letters patent shall not be issued to a corporation that is in default of a filing requirement under the *Corporations Information Act* or that has unpaid fees or penalties.
- **Subsection 2.** Subsection 317 (9) of the Act currently provides that a dissolution order may be made against a corporation in default of section 5 of the *Corporations Information Act* 180 days after a notice is issued. The subsection is amended to provide that a dissolution order may be made against a corporation in default of any filing requirement under the *Corporations Information Act* ninety days after a notice is issued.
- **Subsection 3.** Subsection 317 (10) of the Act currently provides that an application to the Lieutenant Governor for the revival of a corporation that has been dissolved may be made within two years after the date of dissolution. The amendment increases the time period to five years.
- **SECTION 3.** This section contains amendments to the Corporations Information Act.
- **Subsection 1.** Subsection 3 (1) of the Act is re-enacted and divided into two subsections. Under new subsection 3 (1), the information to be set out in an initial notice will be prescribed by the regulations.
- **Subsection 2.** Subsection 3 (3) of the Act is repealed. The requirement to file a notice of change is now set out in new section 4a.
- Subsection 3. Subsection 3 (4) of the Act is repealed. The exemption is now set out in new subsection 4a (4).
- Subsection 3 (5) of the Act is repealed. The verification requirement is now set out in new subsection 4b (1).
- **Subsection 4.** Subsection 3 (7) of the Act is repealed. The requirement that a corporation retain a copy of a notice is now set out in new subsections 4b (2) and (3).
- **Subsection 5.** Section 4 of the Act is re-enacted and divided into two subsections. Under new subsection 4 (1), the information to be set out in an initial notice filed by an extraprovincial corporation will be prescribed by the regulations.
- **Subsection 6.** New section 4a sets out the requirement to file a notice of change. Subsections 4a (1) to (3) replace existing subsection 3 (3) and subsection 4a (4) replaces existing subsection 3 (4).

New subsection 4b (1) sets out the verification requirement currently set out in subsection 3 (5).

New subsections 4b (2) and (3) set out the requirement that a corporation retain a copy of a notice. This requirement is currently set out in subsection 3 (7).

New section 4c authorizes the Minister to require a corporation to make a special filing for purposes of establishing or maintaining an electronic record database under new section 17a.

Subsections 7, 9 and 10. The amendments add internal references to new sections 4a and 4c.

**Subsection 8.** New section 6a authorizes the Minister to use several alternative methods to maintain records under the Act, including the use of information storage devices.

Subsection 11. New section 13a makes corporations liable to pay a late filing fee.

**Subsection 12.** Section 14 of the Act is re-enacted. New subsection 14 (1) provides that a corporation that is in default of a filing requirement or that has unpaid fees or penalties is not capable of maintaining a proceeding in Ontario in respect of the business of the corporation except with leave of the court. New subsection 14 (2) sets out the requirements to be satisfied in order to obtain leave.

New subsection 14 (3) provides that a contract is not invalid by reason only that it was entered into by a corporation that was in contravention of the Act or the regulations.

Subsection 13. The amendment adds a reference to new section 4c.

**Subsection 14.** Section 18 of the Act authorizes the making of regulations. The amendment adds several clauses to section 18 that are complementary to other amendments set out in the Bill.

**SECTION 4.** This section amends the *Corporations Tax Act*. New subsection 91 (4) authorizes the Minister of Revenue to provide to authorized employees of the Ministry of Consumer and Commercial Relations addresses of corporations obtained under the *Corporations Tax Act* for the purpose of sending special filing notices under section 4c of the *Corporations Information Act*.

**SECTION 5.** This section contains amendments to the *Limited Partnerships Act*.

**Subsection 1.** Subsection 3 (2) of the Act is re-enacted. New subsection 3 (2) requires a declaration creating a limited partnership to be signed by all of the general partners and to set out prescribed information. The Act currently requires a declaration to be signed by all of the partners.

**Subsection 2.** New section 3a requires the general partners of an Ontario limited partnership to maintain a current record of the limited partners setting out prescribed information. It is to be kept at the partnership's principal place of business in Ontario and be available for inspection by any person. Under existing clauses 3 (2) (c) and (d) of the Act, information about the limited partners is currently required to be set out in the declaration.

Subsections 3 to 7 and subsections 9 and 18. These amendments are consequential to the amendments that provide that information about the limited partners will now be set out in the record of limited partners rather than in the declaration.

**Subsection 8.** Subsection 17 (7) of the Act is amended to replace the reference to section 27 with a reference to new section 27a.

Subsections 10 and 13. Sections 19 and 26 of the Act are re-enacted. New subsection 19 (1) provides that no limited partnership that has unpaid fees or penalties or that is in default of a requirement to file a declaration and no member thereof is capable of maintaining a proceeding in Ontario in respect of the business carried on by the limited partnership except with leave of the court. New subsection 19 (2) sets out the requirements to be satisfied in order to obtain leave.

New subsection 19 (3) provides that a contract is not invalid by reason only that it was entered into by a limited partnership that was in contravention of the Act or the regulations.

New section 26 is similar to new section 19 but applies to extra-provincial limited partnerships.

**Subsection 11.** Subsection 24 (3) of the Act is amended to provide that a declaration filed by an extra-provincial limited partnership under subsection 24 (1) is to be signed by all of the general partners. The Act currently requires a declaration to be signed by all of the partners.

**Subsection 12.** New section 24a requires the general partners of an extra-provincial partnership that has filed a declaration under subsection 24 (1) to maintain a current record of the limited partners.

Subsections 14 to 16. Section 27 of the Act specifies which partners of a limited partnership may be held liable by a person who suffers a loss as a result of relying upon a false or misleading statement in a declaration. The section is amended to reflect that declarations will no longer be required to be signed by limited partners or to set out information about limited partners. In particular, clause 27 (c), which refers to certain limited partners, is repealed.

**Subsection 17.** New section 27a specifies which partners of a limited partnership may be held liable by a person who suffers a loss as a result of relying upon a false or misleading statement in the record of limited partners.

**Subsection 19.** Subsection 30 (1) of the Act is amended to clarify that the provision applies to limited partnerships only.

**Subsection 20.** Section 33 of the Act authorizes the making of regulations. Clause 33 (b) is re-enacted to authorize the making of regulations prescribing information to be set out in a declaration and information to be set out in a record of limited partners.

**Bill 79** 1989

### An Act to amend Various Statutes in connection with information to be filed and records to be kept by **Corporations and Limited Partnerships**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 240 of the Business Corporations Act, 1982, being chapter 4, is amended by adding thereto the following subsection:
- (2a) Where a corporation fails to comply with a filing Idem requirement under the Corporations Information Act, the R.S.O. 1980, Director may give notice by registered mail to the corporation or by publication once in The Ontario Gazette that an order dissolving the corporation will be issued unless the corporation complies with the requirement within ninety days after the notice is given.

- (2) Subsection 240 (3) of the said Act is amended by striking out "subsection (1) or (2)" in the second line and inserting in lieu thereof "subsection (1), (2) or (2a)".
- (3) The said Act is amended by adding thereto the following section:
- **272a.** Notwithstanding any provision of this Act requiring No certificate the Director to endorse a certificate, the Director shall not do in default so if a corporation is in default of a filing requirement under the Corporations Information Act or has any unpaid fees or R.S.O. 1980, penalties outstanding.

- 2.—(1) Section 5 of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (2) Notwithstanding subsection (1), the Lieutenant Gover- No supplenor shall not issue supplementary letters patent to a corporation that is in default of a filing requirement under the Cor- if corporation

mentary in default R.S.O. 1980, porations Information Act or that has any unpaid fees or penalties outstanding.

- (2) Subsection 317 (9) of the said Act is amended by striking out "filing with the Minister a notice required under section 5 of" in the second line and inserting in lieu thereof "a filing requirement under" and by striking out "180" in the sixth line and inserting in lieu thereof "ninety".
- (3) Subsection 317 (10) of the said Act is amended by striking out "two" in the fourth line and inserting in lieu thereof "five".
- **3.**—(1) Subsection 3 (1) of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 3, section 3, is repealed and the following substituted therefor:

Initial notice

(1) Every corporation other than an extra-provincial corporation or a corporation of a class exempted by the regulations shall file with the Minister an initial notice setting out the prescribed information as of the date of filing.

Idem

- (1a) The initial notice shall be filed within sixty days after the date of incorporation, amalgamation or continuation of the corporation.
- (2) Subsection 3 (3) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 3, section 3, is repealed.
  - (3) Subsections 3 (4) and (5) of the said Act are repealed.
- (4) Subsection 3 (7) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 23, section 2, is repealed.
- (5) Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 3, section 4, is repealed and the following substituted therefor:

Initial notice, extraprovincial corporation **4.**—(1) Every extra-provincial corporation, other than a corporation of a class exempted by the regulations, that begins to carry on business in Ontario shall file with the Minister an initial notice setting out the prescribed information as of the date of filing.

Idem

(2) The initial notice shall be filed within sixty days after the date the corporation begins to carry on business in Ontario.

- (6) The said Act is amended by adding thereto the following sections:
- 4a.—(1) Every corporation shall file with the Minister a Notice of notice of change for every change in the information filed under subsection 3 (1) or 4 (1) within fifteen days after the change takes place.

- (2) The notice of change shall repeat the information Idem required under subsection 3 (1) or 4 (1), whichever is applicable, and shall specify any changes that have taken place and the dates of the changes.
- (3) It is not necessary to file a notice of change in respect Exception of a director's retirement and subsequent re-election for the next term of office.
- (4) A corporation incorporated under the laws of Ontario Idem that changes only its name does not need to file a notice of change.
- **4b.**—(1) Every notice filed under subsection 3 (1), 4 (1) or Verification 4a (1) shall be verified by the certificate of an officer or director of the corporation or other individual having knowledge of the affairs of the corporation.
- (2) The corporation shall retain a duplicate of the last Copy at notice filed under this Act and shall maintain a copy for examination by any shareholder, member, director, officer or creditor of the corporation during the normal business hours of the corporation at its registered office or principal place of business in Ontario.

- (3) A person examining a document under subsection (2) Idem may make copies of or take extracts from it.
- 4c.—(1) The Minister may at any time by written notice Special filing require any corporation other than a corporation of a class exempted by the regulations to make a special filing for the purposes of establishing or maintaining an electronic record database under section 6a.
- (2) Upon receipt of the notice, a corporation shall make Idem the special filing in the prescribed form and manner within the prescribed time.
- (3) The special filing shall contain the information required Idem by subsection 3 (1) or 4 (1), whichever is applicable.

- (7) Section 5 of the said Act is amended by striking out "section 3 or 4" in the fourth line and inserting in lieu thereof "section 3, 4, 4a or 4c".
- (8) The said Act is further amended by adding thereto the following section:

Form of records

**6a.**—(1) Records required by this Act to be prepared and maintained by the Minister may be in bound or loose-leaf form or in a photographic film form or may be entered or recorded by any system of mechanical or electronic data processing or by any other information storage device that is capable of reproducing any required information in an accurate and intelligible form within a reasonable time.

Idem

(2) If records maintained by the Minister are prepared and maintained otherwise than in written form, the Minister shall furnish any copy required to be furnished under subsection 7 (2) in an intelligible written form.

Idem

(3) A report reproduced from records prepared and maintained otherwise than in written form that purports to be certified by the Minister is, without proof of the Minister's office or signature, admissible in evidence to the same extent as the original written records would have been.

Copies

(4) The Minister is not required to produce the original of a document if a copy is furnished in compliance with subsection (2).

Idem

- (5) For the purposes of this section, a document is a copy of an original if it contains all the information contained in the original.
- (9) Subsection 7 (1) of the said Act is amended by inserting after "4" in the third line "4a, 4c".
- (10) Subsection 7 (2) of the said Act is amended by inserting after "4" in the third line "4a, 4c".
- (11) The said Act is further amended by adding thereto the following section:

Late filing fee

- **13a.** A corporation that files a notice after the time set out in this Act or the regulations shall pay the prescribed late filing fee.
- (12) Section 14 of the said Act is repealed and the following substituted therefor:

**14.**—(1) A corporation that is in default of a requirement Ability to under this Act to file a notice or that has unpaid fees or penalties is not capable of maintaining a proceeding in a court in Ontario in respect of the business carried on by the corporation except with leave of the court.

(2) The court shall grant leave if the court is satisfied that,

Idem

- (a) the failure to file the notice or pay the fees or penalties was inadvertent;
- (b) there is no evidence that the public has been deceived or misled; and
- (c) at the time of the application to the court, the corporation has filed all notices required by this Act and has no unpaid fees or penalties.
- (3) No contract is void or voidable by reason only that it Contracts was entered into by a corporation that was in contravention of this Act or the regulations at the time the contract was made.

- (13) Clause 18 (a) of the said Act is amended by striking out "section 3 or 4" in the second line and inserting in lieu thereof "section 3, 4 or 4c".
- (14) Section 18 of the said Act is amended by adding thereto the following clauses:
  - (g) prescribing the information required by subsections 3(1) and 4(1);
  - (h) prescribing late filing fees;
  - (i) prescribing the form and manner in which special filings under section 4c shall be made;
  - (j) prescribing the time within which special filings under section 4c shall be made;
  - (k) prescribing alternative methods of filing;
  - prescribing anything referred to in this Act as prescribed.
- 4. Section 91 of the Corporations Tax Act, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1988, chapter 42, section 19, is further amended by adding thereto the following subsection:

Exception

(4) Notwithstanding subsection (1), the Minister may, upon request of the Minister of Consumer and Commercial Relations, provide addresses of corporations obtained under this Act to authorized employees of the Ministry of Consumer and Commercial Relations for the purpose of sending special filing notices under section 4c of the Corporations Information Act.

R.S.O. 1980, c. 96

5.—(1) Subsection 3 (2) of the Limited Partnerships Act, being chapter 241 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Declaration

- (2) A declaration shall be signed by all of the general partners desiring to form a limited partnership and shall state the prescribed information.
- (2) The said Act is amended by adding thereto the following section:

Record of limited partners

**3a.**—(1) The general partners of every limited partnership other than an extra-provincial limited partnership shall maintain a current record of the limited partners stating, for each limited partner, the prescribed information.

Where record to be kept

(2) The record of limited partners shall be kept at the limited partnership's principal place of business in Ontario.

Right to inspect

(3) Any person may inspect the record of limited partners during the normal business hours of the limited partnership and may make copies of and take extracts from it.

Registrar may require copy of record (4) The Registrar may at any time by written notice require any general partner to provide to the Registrar or any other person a copy of the record of limited partners.

Copy of record to be provided

- (5) Upon receipt of the Registrar's notice, the general partner to whom it is directed shall, within the time specified in the notice, provide a copy of the record of limited partners to the Registrar or any other person specified in the notice.
- (3) Section 8 of the said Act is amended by striking out "declaration" in the fourth line and inserting in lieu thereof "record of limited partners".
- (4) Subsection 15 (1) of the said Act is amended by striking out "declaration" in the fourth line and inserting in lieu thereof "record of limited partners".
- (5) Section 16 of the said Act is amended by striking out "declaration in accordance with section 18" in the second and

third lines and inserting in lieu thereof "record of limited partners".

- (6) Subsection 17 (5) of the said Act is amended by striking out "declaration is amended in accordance with section 18" in the third line and inserting in lieu thereof "record of limited partners is amended".
- (7) Subsection 17 (6) of the said Act is amended by striking out "the partnership agreement or the declaration" in the fifth line and inserting in lieu thereof "the partnership agreement, the declaration or the record of limited partners".
- (8) Subsection 17 (7) of the said Act is amended by striking out "27" in the second line and inserting in lieu thereof "27a".
  - (9) Subsection 18 (4) of the said Act is repealed.
- (10) Section 19 of the said Act is repealed and the following substituted therefor:
- 19.—(1) No limited partnership that has unpaid fees or Ability to penalties or in respect of which a declaration has not been filed as required by this Act and no member thereof is capable of maintaining a proceeding in a court in Ontario in respect of the business carried on by the limited partnership except with leave of the court.

- (2) The court shall grant leave if the court is satisfied that, Idem
  - (a) the failure to pay the fees or penalties or file the declaration was inadvertent:
  - (b) there is no evidence that the public has been deceived or misled; and
  - at the time of the application to the court, the limited partnership has no unpaid fees or penalties and has filed all declarations required by this Act.
- (3) No contract is void or voidable by reason only that it Contracts was entered into by a limited partnership that was in contravention of this Act or the regulations at the time the contract was made.

(11) Subsection 24 (3) of the said Act is amended by inserting after "the" in the second line "general".

# (12) The said Act is further amended by adding thereto the following section:

Record of limited partners

**24a.**—(1) The general partners of every extra-provincial limited partnership that has filed a declaration under subsection 24 (1) shall maintain a current record of the limited partners stating, for each limited partner, the prescribed information.

Where record to be kept

(2) Subject to subsection (3), the record of limited partners shall be kept at the limited partnership's principal place of business in Ontario.

Idem

(3) If an extra-provincial limited partnership does not have a principal place of business in Ontario, the record of limited partners shall be kept by the attorney and representative in Ontario of the extra-provincial limited partnership at the address stated in the power of attorney filed under subsection 24 (4).

Right to inspect

(4) Any person may inspect the record of limited partners during the normal business hours of the limited partnership or the limited partnership's attorney and representative and may make copies of and take extracts from it.

Registrar may require copy of record

(5) The Registrar may at any time by written notice require any general partner or a limited partnership's attorney and representative to provide to the Registrar or any other person a copy of the record of limited partners.

Copy of record to be provided

(6) Upon receipt of the Registrar's notice, the person to whom it is directed shall, within the time specified in the notice, provide a copy of the record of limited partners to the Registrar or other person specified in the notice.

### (13) Section 26 of the said Act is repealed and the following substituted therefor:

Ability to sue

**26.**—(1) No extra-provincial limited partnership that has unpaid fees or penalties or in respect of which a declaration or power of attorney has not been filed as required by this Act and no member thereof is capable of maintaining a proceeding in a court in Ontario in respect of the business carried on by the extra-provincial limited partnership except with leave of the court.

Idem

- (2) The court shall grant leave if the court is satisfied that,
  - (a) the failure to pay the fees or penalties or file the declaration or power of attorney was inadvertent;

- 9
- (b) there is no evidence that the public has been deceived or misled; and
- (c) at the time of the application to the court, the extra-provincial limited partnership has no unpaid fees or penalties and has filed all declarations and powers of attorney required by this Act.
- (3) No contract is void or voidable by reason only that it Contracts was entered into by an extra-provincial limited partnership that was in contravention of this Act or the regulations at the time the contract was made.

- (14) Clause 27 (a) of the said Act is amended by inserting after "every" in the first line "general" and by adding at the end thereof "and".
- (15) Clause 27 (b) of the said Act is amended by striking out "and" in the fourth line.
  - (16) Clause 27 (c) of the said Act is repealed.
- (17) The said Act is further amended by adding thereto the following section:
- **27a.** Where a record of limited partners contains a false Effect of or misleading statement, any person suffering loss as a result statement in of relying upon the statement may hold liable,

record of limited partners

- (a) every general partner; and
- (b) every limited partner who became aware that the statement was false or misleading and failed within reasonable time to take steps to cause the record of limited partners to be corrected.
- (18) Clause 28 (d) of the said Act is repealed and the following substituted therefor:
  - (d) takes steps to cause the record of limited partners to be amended to show the person to be a limited partner.
- (19) Subsection 30 (1) of the said Act is amended by inserting after "Every" in the first line "limited".
- (20) Clause 33 (b) of the said Act is repealed and the following substituted therefor:

(b) prescribing information to be set out in a declaration filed under this Act and information to be set out in a record of limited partners.

Commencement **6.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. The short title of this Act is the Business Information Statute Law Amendment Act, 1989.





38 ELIZABETH II, 1989

## **Bill** 79

(Chapter 69 Statutes of Ontario, 1989)

### An Act to amend Various Statutes in connection with information to be filed and records to be kept by **Corporations and Limited Partnerships**

The Hon. G. Sorbara Minister of Consumer and Commercial Relations

> 1st Reading November 9th, 1989

2nd Reading December 13th, 1989

December 14th, 1989 3rd Reading

Royal Assent December 14th, 1989



**Bill 79** 1989

### An Act to amend Various Statutes in connection with information to be filed and records to be kept by **Corporations and Limited Partnerships**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Section 240 of the Business Corporations Act, 1982, being chapter 4, is amended by adding thereto the following subsection:
- (2a) Where a corporation fails to comply with a filing Idem requirement under the Corporations Information Act, the R.S.O. 1980, Director may give notice by registered mail to the corporation or by publication once in The Ontario Gazette that an order dissolving the corporation will be issued unless the corporation complies with the requirement within ninety days after the notice is given.

- (2) Subsection 240 (3) of the said Act is amended by striking out "subsection (1) or (2)" in the second line and inserting in lieu thereof "subsection (1), (2) or (2a)".
- (3) The said Act is amended by adding thereto the following section:
- **272a.** Notwithstanding any provision of this Act requiring No certificate if corporation the Director to endorse a certificate, the Director shall not do in default so if a corporation is in default of a filing requirement under the Corporations Information Act or has any unpaid fees or R.S.O. 1980. penalties outstanding.

- 2.—(1) Section 5 of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (2) Notwithstanding subsection (1), the Lieutenant Gover- No supplenor shall not issue supplementary letters patent to a corporation that is in default of a filing requirement under the Cor- if corporation

mentary in default R.S.O. 1980. porations Information Act or that has any unpaid fees or penalties outstanding.

- (2) Subsection 317 (9) of the said Act is amended by striking out "filing with the Minister a notice required under section 5 of" in the second line and inserting in lieu thereof "a filing requirement under" and by striking out "180" in the sixth line and inserting in lieu thereof "ninety".
- (3) Subsection 317 (10) of the said Act is amended by striking out "two" in the fourth line and inserting in lieu thereof "five".
- **3.**—(1) Subsection 3 (1) of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 3, section 3, is repealed and the following substituted therefor:

Initial notice

(1) Every corporation other than an extra-provincial corporation or a corporation of a class exempted by the regulations shall file with the Minister an initial notice setting out the prescribed information as of the date of filing.

Idem

- (1a) The initial notice shall be filed within sixty days after the date of incorporation, amalgamation or continuation of the corporation.
- (2) Subsection 3 (3) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 3, section 3, is repealed.
  - (3) Subsections 3 (4) and (5) of the said Act are repealed.
- (4) Subsection 3 (7) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 23, section 2, is repealed.
- (5) Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 3, section 4, is repealed and the following substituted therefor:

Initial notice, extraprovincial corporation **4.**—(1) Every extra-provincial corporation, other than a corporation of a class exempted by the regulations, that begins to carry on business in Ontario shall file with the Minister an initial notice setting out the prescribed information as of the date of filing.

Idem

(2) The initial notice shall be filed within sixty days after the date the corporation begins to carry on business in Ontario.

- (6) The said Act is amended by adding thereto the following sections:
- 4a.—(1) Every corporation shall file with the Minister a Notice of notice of change for every change in the information filed under subsection 3 (1) or 4 (1) within fifteen days after the change takes place.

(2) The notice of change shall repeat the information Idem required under subsection 3 (1) or 4 (1), whichever is applicable, and shall specify any changes that have taken place and the dates of the changes.

(3) It is not necessary to file a notice of change in respect Exception of a director's retirement and subsequent re-election for the next term of office.

- (4) A corporation incorporated under the laws of Ontario Idem that changes only its name does not need to file a notice of change.
- **4b.**—(1) Every notice filed under subsection 3 (1), 4 (1) or Verification 4a (1) shall be verified by the certificate of an officer or director of the corporation or other individual having knowledge of the affairs of the corporation.

(2) The corporation shall retain a duplicate of the last Copy at notice filed under this Act and shall maintain a copy for examination by any shareholder, member, director, officer or creditor of the corporation during the normal business hours of the corporation at its registered office or principal place of business in Ontario.

- (3) A person examining a document under subsection (2) Idem may make copies of or take extracts from it.
- 4c.—(1) The Minister may at any time by written notice Special filing require any corporation other than a corporation of a class exempted by the regulations to make a special filing for the purposes of establishing or maintaining an electronic record database under section 6a.

- (2) Upon receipt of the notice, a corporation shall make Idem the special filing in the prescribed form and manner within the prescribed time.
- (3) The special filing shall contain the information required Idem by subsection 3 (1) or 4 (1), whichever is applicable.

- (7) Section 5 of the said Act is amended by striking out "section 3 or 4" in the fourth line and inserting in lieu thereof "section 3, 4, 4a or 4c".
- (8) The said Act is further amended by adding thereto the following section:

Form of records **6a.**—(1) Records required by this Act to be prepared and maintained by the Minister may be in bound or loose-leaf form or in a photographic film form or may be entered or recorded by any system of mechanical or electronic data processing or by any other information storage device that is capable of reproducing any required information in an accurate and intelligible form within a reasonable time.

Idem

(2) If records maintained by the Minister are prepared and maintained otherwise than in written form, the Minister shall furnish any copy required to be furnished under subsection 7 (2) in an intelligible written form.

Idem

(3) A report reproduced from records prepared and maintained otherwise than in written form that purports to be certified by the Minister is, without proof of the Minister's office or signature, admissible in evidence to the same extent as the original written records would have been.

Copies

(4) The Minister is not required to produce the original of a document if a copy is furnished in compliance with subsection (2).

Idem

- (5) For the purposes of this section, a document is a copy of an original if it contains all the information contained in the original.
- (9) Subsection 7 (1) of the said Act is amended by inserting after "4" in the third line "4a, 4c".
- (10) Subsection 7 (2) of the said Act is amended by inserting after "4" in the third line "4a, 4c".
- (11) The said Act is further amended by adding thereto the following section:

Late filing fee

- **13a.** A corporation that files a notice after the time set out in this Act or the regulations shall pay the prescribed late filing fee.
- (12) Section 14 of the said Act is repealed and the following substituted therefor:

14.—(1) A corporation that is in default of a requirement Ability to under this Act to file a notice or that has unpaid fees or penalties is not capable of maintaining a proceeding in a court in Ontario in respect of the business carried on by the corporation except with leave of the court.

(2) The court shall grant leave if the court is satisfied that,

- (a) the failure to file the notice or pay the fees or penalties was inadvertent;
- (b) there is no evidence that the public has been deceived or misled; and
- (c) at the time of the application to the court, the corporation has filed all notices required by this Act and has no unpaid fees or penalties.
- (3) No contract is void or voidable by reason only that it Contracts was entered into by a corporation that was in contravention of this Act or the regulations at the time the contract was made.

- (13) Clause 18 (a) of the said Act is amended by striking out "section 3 or 4" in the second line and inserting in lieu thereof "section 3, 4 or 4c".
- (14) Section 18 of the said Act is amended by adding thereto the following clauses:
  - (g) prescribing the information required by subsections 3 (1) and 4 (1);
  - (h) prescribing late filing fees;
  - prescribing the form and manner in which special (i) filings under section 4c shall be made;
  - (i) prescribing the time within which special filings under section 4c shall be made:
  - (k) prescribing alternative methods of filing;
  - prescribing anything referred to in this Act as prescribed.
- **4.** Section 91 of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1988, chapter 42, section 19, is further amended by adding thereto the following subsection:

Exception

(4) Notwithstanding subsection (1), the Minister may, upon request of the Minister of Consumer and Commercial Relations, provide addresses of corporations obtained under this Act to authorized employees of the Ministry of Consumer and Commercial Relations for the purpose of sending special filing notices under section 4c of the *Corporations Information Act*.

R.S.O. 1980, c. 96

5.—(1) Subsection 3 (2) of the Limited Partnerships Act, being chapter 241 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Declaration

- (2) A declaration shall be signed by all of the general partners desiring to form a limited partnership and shall state the prescribed information.
- (2) The said Act is amended by adding thereto the following section:

Record of limited partners

**3a.**—(1) The general partners of every limited partnership other than an extra-provincial limited partnership shall maintain a current record of the limited partners stating, for each limited partner, the prescribed information.

Where record to be kept

(2) The record of limited partners shall be kept at the limited partnership's principal place of business in Ontario.

Right to inspect

(3) Any person may inspect the record of limited partners during the normal business hours of the limited partnership and may make copies of and take extracts from it.

Registrar may require copy of record

(4) The Registrar may at any time by written notice require any general partner to provide to the Registrar or any other person a copy of the record of limited partners.

Copy of record to be provided

- (5) Upon receipt of the Registrar's notice, the general partner to whom it is directed shall, within the time specified in the notice, provide a copy of the record of limited partners to the Registrar or any other person specified in the notice.
  - (3) Section 8 of the said Act is amended by striking out "declaration" in the fourth line and inserting in lieu thereof "record of limited partners".
- (4) Subsection 15 (1) of the said Act is amended by striking out "declaration" in the fourth line and inserting in lieu thereof "record of limited partners".
- (5) Section 16 of the said Act is amended by striking out "declaration in accordance with section 18" in the second and

third lines and inserting in lieu thereof "record of limited partners".

- (6) Subsection 17 (5) of the said Act is amended by striking out "declaration is amended in accordance with section 18" in the third line and inserting in lieu thereof "record of limited partners is amended".
- (7) Subsection 17 (6) of the said Act is amended by striking out "the partnership agreement or the declaration" in the fifth line and inserting in lieu thereof "the partnership agreement, the declaration or the record of limited partners".
- (8) Subsection 17 (7) of the said Act is amended by striking out "27" in the second line and inserting in lieu thereof "27a".
  - (9) Subsection 18 (4) of the said Act is repealed.
- (10) Section 19 of the said Act is repealed and the following substituted therefor:
- 19.—(1) No limited partnership that has unpaid fees or Ability to penalties or in respect of which a declaration has not been filed as required by this Act and no member thereof is capable of maintaining a proceeding in a court in Ontario in respect of the business carried on by the limited partnership except with leave of the court.

- (2) The court shall grant leave if the court is satisfied that, Idem
  - (a) the failure to pay the fees or penalties or file the declaration was inadvertent:
  - (b) there is no evidence that the public has been deceived or misled; and
  - at the time of the application to the court, the lim-(c) ited partnership has no unpaid fees or penalties and has filed all declarations required by this Act.
- (3) No contract is void or voidable by reason only that it Contracts was entered into by a limited partnership that was in contravention of this Act or the regulations at the time the contract was made.

(11) Subsection 24 (3) of the said Act is amended by inserting after "the" in the second line "general".

## (12) The said Act is further amended by adding thereto the following section:

Record of limited partners

**24a.**—(1) The general partners of every extra-provincial limited partnership that has filed a declaration under subsection 24 (1) shall maintain a current record of the limited partners stating, for each limited partner, the prescribed information.

Where record to be kept

(2) Subject to subsection (3), the record of limited partners shall be kept at the limited partnership's principal place of business in Ontario.

Idem

(3) If an extra-provincial limited partnership does not have a principal place of business in Ontario, the record of limited partners shall be kept by the attorney and representative in Ontario of the extra-provincial limited partnership at the address stated in the power of attorney filed under subsection 24 (4).

Right to inspect

(4) Any person may inspect the record of limited partners during the normal business hours of the limited partnership or the limited partnership's attorney and representative and may make copies of and take extracts from it.

Registrar may require copy of record (5) The Registrar may at any time by written notice require any general partner or a limited partnership's attorney and representative to provide to the Registrar or any other person a copy of the record of limited partners.

Copy of record to be provided

- (6) Upon receipt of the Registrar's notice, the person to whom it is directed shall, within the time specified in the notice, provide a copy of the record of limited partners to the Registrar or other person specified in the notice.
- (13) Section 26 of the said Act is repealed and the following substituted therefor:

Ability to sue

**26.**—(1) No extra-provincial limited partnership that has unpaid fees or penalties or in respect of which a declaration or power of attorney has not been filed as required by this Act and no member thereof is capable of maintaining a proceeding in a court in Ontario in respect of the business carried on by the extra-provincial limited partnership except with leave of the court.

Idem

- (2) The court shall grant leave if the court is satisfied that,
  - (a) the failure to pay the fees or penalties or file the declaration or power of attorney was inadvertent;

- (b) there is no evidence that the public has been deceived or misled: and
- (c) at the time of the application to the court, the extra-provincial limited partnership has no unpaid fees or penalties and has filed all declarations and powers of attorney required by this Act.
- (3) No contract is void or voidable by reason only that it Contracts was entered into by an extra-provincial limited partnership that was in contravention of this Act or the regulations at the time the contract was made.

- (14) Clause 27 (a) of the said Act is amended by inserting after "every" in the first line "general" and by adding at the end thereof "and".
- (15) Clause 27 (b) of the said Act is amended by striking out "and" in the fourth line.
  - (16) Clause 27 (c) of the said Act is repealed.
- (17) The said Act is further amended by adding thereto the following section:
- **27a.** Where a record of limited partners contains a false Effect of or misleading statement, any person suffering loss as a result statement in of relying upon the statement may hold liable,

record of partners

- (a) every general partner; and
- (b) every limited partner who became aware that the statement was false or misleading and failed within reasonable time to take steps to cause the record of limited partners to be corrected.
- (18) Clause 28 (d) of the said Act is repealed and the following substituted therefor:
  - (d) takes steps to cause the record of limited partners to be amended to show the person to be a limited partner.
- (19) Subsection 30 (1) of the said Act is amended by inserting after "Every" in the first line "limited".
- (20) Clause 33 (b) of the said Act is repealed and the following substituted therefor:

(b) prescribing information to be set out in a declaration filed under this Act and information to be set out in a record of limited partners.

Commencement **6.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. The short title of this Act is the Business Information Statute Law Amendment Act, 1989.

Publication

38 ELIZABETH II, 1989

# Bill 80

### An Act to amend the Ombudsman Act and the Child and Family Services Act, 1984

The Hon. I. Scott

Attorney General



1st Reading

November 21st, 1989

2nd Reading

3rd Reading

Royal Assent

#### EXPLANATORY NOTES

The Bill amends the Ombudsman Act in the following respects:

#### Jurisdiction.

SECTIONS 5 and 6. The jurisdiction of the Ombudsman is addressed. The existing Act excludes Cabinet deliberations and proceedings from review by the Ombudsman. Decisions of Cabinet will be explicitly excluded from the Ombudsman's review. The decisions of tribunals in proceedings that include a hearing will also be excluded from review by the Ombudsman. The Ombudsman's responsibilities are expanded to include public education.

Scope of investigation.

SECTIONS 10 and 11. The scope of the Ombudsman's investigations is broadened. With the consent of the parties, the Ombudsman will be able to consult with any person concerned in an investigation, and not just the complainant. The Ombudsman's powers to require a person to produce documents are expanded.

Procedural changes.

Subsection 6 (2) and section 9. Under the existing Act, the Ombudsman may only refuse a complaint after beginning an investigation. An amendment will permit the Ombudsman to refuse to investigate a complaint at any stage. The Ombudsman will also be able to apply to the Divisional Court concerning the interpretation of the Act.

#### Confidential information.

SECTIONS 4, 8 and 15. The Ombudsman will be permitted to disclose confidential information for the prosecution of an offence under the Act or to advise the head of a governmental organization about a breach of duty or misconduct by a government employee. Letters between the Ombudsman and certain children who are in custody shall not be opened by the person with custody of a child. A corresponding amendment is made to the *Child and Family Services Act, 1984*.

#### Reports by the Ombudsman.

**SECTIONS 3 and 13.** The Ombudsman's authority to report to the Assembly will be expanded to include general reports. The Ombudsman will be able to report the outcome of an investigation to the head of any governmental organization involved and to any person who gave information in aid of the investigation.

#### Government ability to respond to the Ombudsman's recommendations.

SECTION 13. Under the amendments, the head of a governmental organization may authorize the reconsideration of a decision in a case, based upon the Ombudsman's recommendation, if there is no other authority for the reconsideration. The Lieutenant Governor in Council or a Minister may authorize a payment to a complainant based upon the Ombudsman's recommendation in a case.

#### Administration.

SECTIONS 1, 2, 7, 12 and 14. The Ombudsman's staff will be required to swear an oath of secrecy. The Ombudsman may lease or purchase services in the course of administering the Ombudsman's office. If the Assembly intends to make rules for the guidance of the Ombudsman, the Ombudsman will be given reasonable notice and be permitted to make representations. Under the existing Act, the Ombudsman and the Ombudsman's staff cannot be called to give evidence about information acquired in the exercise of the Ombudsman's functions under the Act. This protection is extended to information learned in the intended exercise of the Ombudsman's functions. Subsections 22 (1) and (2) of the Act are consolidated into one subsection to clarify their meaning.

Bill 80 1989

# An Act to amend the Ombudsman Act and the Child and Family Services Act, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The *Ombudsman Act*, being chapter 325 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:
- **8a.**—(1) Every officer and other employee of the Oath of Ombudsman shall take an oath of secrecy upon becoming so employed.
  - (2) A breach of the oath of secrecy is grounds for dismissal. Cause for dismissal
- 2. Section 9 of the said Act is amended by inserting after "equipment" in the second line "services".
- 3. Section 12 of the said Act is amended by adding thereto the following subsection:
- (2) The Ombudsman may make a report to the Assembly respecting a matter relating to the performance of the Ombudsman's duties.
- **4.**—(1) Subsection 13 (1) of the said Act is amended by striking out "subsection (2)" in the fifth line and inserting in lieu thereof "this section".
- (2) Section 13 of the said Act is amended by adding thereto the following subsection:
- (3) The Ombudsman may disclose such information as the <sup>Idem</sup> Ombudsman considers necessary,
  - (a) in order to prosecute an offence under this Act; or

- (b) to the extent necessary to disclose to the head of a governmental organization a breach of duty or misconduct by an officer or employee of the governmental organization.
- 5. Clause 14 (b) of the said Act is amended by striking out "deliberations and proceedings" in the first line and inserting in lieu thereof "deliberations, proceedings and decisions".
- **6.**—(1) Section 15 of the said Act is amended by adding thereto the following subsection:

Public education

- (2a) The Ombudsman may engage in public education to inform members of the public of the Ombudsman's function.
- (2) Subsection 15 (5) of the said Act is repealed and the following substituted therefor:

Idem

(5) Nothing in this Act empowers the Ombudsman to investigate any decision or ruling by a tribunal that is constituted by or under any Act and that has a statutory power of decision in a proceeding in which the tribunal is required by law to hold a hearing or to give the parties to the proceeding an opportunity for a hearing.

Interpretation c. 484

(6) In subsection (5), "statutory power of decision" has the R.S.O. 1980, same meaning as set out in clause 1 (1) (d) of the Statutory Powers Procedure Act.

Application to Divisional Court

- (7) The Ombudsman may apply to the Divisional Court for a declaratory order,
  - concerning the Ombudsman's jurisdiction to investigate any case or class of cases under this Act; or
  - (b) concerning the interpretation of any provision of this Act.
- 7. Section 16 of the said Act is amended by adding thereto the following subsection:

Ombudsman to have notice, etc.

- (1a) The Assembly shall give the Ombudsman reasonable notice of its intention to make rules under subsection (1) and shall permit the Ombudsman to make representations concerning any proposed rules.
- 8.—(1) Clause 17 (2) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 55, section 225, is repealed and the following substituted therefor:

(b) a child who is held in a place of open custody under section 91 of the Child and Family Services Act, 1984, c. 55 1984.

- (2) Section 17 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 55, section 225, is further amended by adding thereto the following subsection:
- (3) The person for the time being in charge of an institu- Idem tion, training school, place of secure or open custody or facility, as the case may be, shall immediately forward, unopened, any letter written by the Ombudsman to a person described in clauses (2) (a) to (d).

#### 9. Subsection 18 (1) of the said Act is repealed and the following substituted therefor:

(1) The Ombudsman may refuse to investigate or may dis-Ombudsman continue an investigation of a complaint within the Ombuds- to investigate man's jurisdiction if the Ombudsman is satisfied.

may refuse complaint

- (a) that under the law or existing administrative practice there is an adequate remedy for the complainant, whether or not the complainant has pursued the remedy; or
- (b) that, having regard to all the circumstances of the case, any investigation or further investigation is unnecessary.

#### 10. Section 19 of the said Act is amended by adding thereto the following subsection:

(5a) With the consent of the complainant and the head of May consult the governmental organization affected by an investigation, the Ombudsman may consult with any person that, in the Ombudsman's opinion, is concerned in the matter of an investigation.

#### 11. Section 20 of the said Act is amended by adding thereto the following subsection:

(2a) The Ombudsman may require a person referred to in Production of clause (2) (c) to produce any documents or things that, in the etc. Ombudsman's opinion, relate to a matter being investigated and that may be in the possession, control or power of the person.

**12.** Subsections 22 (1) and (2) of the said Act are repealed and the following substituted therefor:

Procedure after investigation

- (1) This section applies after the Ombudsman's investigation of a decision, recommendation, act or omission if the Ombudsman is of the opinion,
  - (a) that the decision, recommendation, act or omission,
    - (i) appears to have been contrary to law,
    - (ii) was unreasonable, unjust, oppressive, improperly discriminatory or was in accordance with a rule of law, a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory,
    - (iii) was based wholly or partly on a mistake of law or fact, or
    - (iv) was wrong;
  - (b) that a discretionary power was exercised,
    - (i) for an improper purpose,
    - (ii) on irrelevant grounds, or
    - (iii) after irrelevant considerations were taken into account; or
  - (c) that reasons for a decision based on the exercise of a discretionary power should have been given.
- 13. The said Act is further amended by adding thereto the following sections:

Ombudsman may report results **23a.**—(1) If the Ombudsman does not make a report to a governmental organization under subsection 22 (3) relating to a matter being investigated, the Ombudsman may inform the head of the governmental organization of the results of the investigation.

Idem

(2) The Ombudsman may inform any person who gave information or made representations relating to a matter being investigated of the results of the investigation.

Head may authorize reconsideration, etc. **23b.**—(1) The head of a governmental organization may authorize the reconsideration of a decision or recommendation in a case upon receiving a recommendation of the Ombudsman.

(2) Reasonable notice of the reconsideration of a decision Reasonable or recommendation under this section shall be given to all required persons who were entitled to be heard with respect to the original decision or recommendation.

(3) Every person who receives a notice referred to in sub-Represensection (2) shall be given an opportunity to make representations respecting the reconsideration of a decision or recommendation in accordance with the normal procedures of the governmental organization that made the decision or recommendation.

(4) This section applies if there is no other authority for Application reconsidering a decision or recommendation of a governmental organization on the recommendation of the Ombudsman.

23c.—(1) The minister responsible for the administration Minister may of a governmental organization may authorize a payment not payment exceeding \$1,000 to a complainant if the Ombudsman has recommended that the governmental organization pay a specified amount to the complainant.

(2) The Lieutenant Governor in Council, on the recom- Lieutenant mendation of the minister responsible for the administration Council may of a governmental organization, may authorize a payment in authorize excess of \$1,000 to a complainant if the Ombudsman has recommended that the governmental organization pay a specified amount to the complainant.

(3) A payment under this section shall be made out of the Payment out Consolidated Revenue Fund.

Consolidated Revenue Fund

(4) This section applies if there is no other authority for Application making a payment that is recommended by the Ombudsman.

- 14. Subsection 25 (2) of the said Act is amended by inserting after "exercise" in the fourth line "or intended exercise".
- 15. Section 99 of the Child and Family Services Act, 1984, being chapter 55, is amended by adding thereto the following subsection:
- (4) The service provider or a member of the service provi- Idem der's staff shall not read mail addressed to the Ontario Ombudsman from, or mail from the Ontario Ombudsman addressed to, a child described in clause 95 (b).

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the Ombudsman Statute Law Amendment Act, 1989.

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2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill81

# An Act to amend the Courts of Justice Act, 1984

The Hon. I. Scott

Attorney General



1st Reading

November 23rd, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The Bill contains further amendments to those parts of the *Courts of Justice Act*, 1984 that were amended by Bill 2. The changes, other than housekeeping changes, are as follows:

Bill 2 allowed the Lieutenant Governor in Council to set the number of judges of the Court of Appeal. This Bill sets the minimum number of judges in addition to the Chief Justice and the Associate Chief Justice at fourteen and allows the Lieutenant Governor in Council to increase that number.

The Bill provides for an Associate Chief Justice of the Ontario Court.

A provision is added to provide for annual meetings of the judges of the Court of Appeal.

It is clarified that those provincial judges who were assigned to the Provincial Court (Criminal Division) or the Provincial Court (Family Division) on the 31st day of December, 1989 are included in the Provincial Division.

It is clarified that the Rules made under Part IV do not apply to the Unified Family Court except as provided in the Unified Family Court rules.

The *Partition Act* is added to the list of Acts in respect of which the Unified Family Court has jurisdiction.

Added to the list of members of the Civil Rules Committee is a provincial judge who was assigned to the Provincial Court (Civil Division) on the 1st day of October, 1989. Two Court of Appeal judges and eight Ontario Court (General Division) judges are to be appointed to that Committee, rather than one Court of Appeal judge and nine General Division judges.

The quorum for each of the rules committees is changed from a majority to one-third.

The Ontario Courts Advisory Council, which was to be discontinued under Bill 2, is revived and its membership is changed to reflect the new court structure.

The senior judge for the Unified Family Court is added to the membership of the Regional Courts Management Advisory Committee for the region in which the Unified Family Court is located.

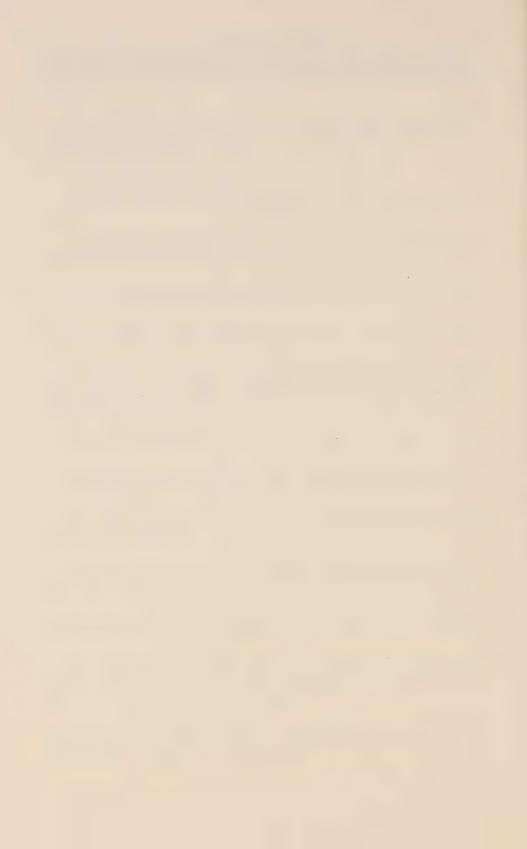
The Lieutenant Governor in Council is authorized to prescribe by regulation the city or town in each region where the offices of the regional director of courts administration, the regional director of Crown attorneys and the regional senior judges are to be located.

It is clarified that judges who have authority to supervise and direct the sittings and assignment of judicial duties may assign cases and other judicial duties to individual judges.

Bill 2 provided that every judge of the Ontario Court (General Division) and the Unified Family Court may be addressed as "Your Honour" or as "Mr. or Mme. Justice . . .". This Bill provides that on a day to be named by proclamation all judges of the Ontario Court of Justice are to be so addressed.

The provisions concerning the functions of the Accountant of the Ontario Court (General Division) are repealed and replaced with a provision giving the Lieutenant Governor in Council authority to make regulations concerning those functions and providing for the officer or employee who is to exercise them.

As a transitional measure, the Rules Committee of the Supreme and District Courts is authorized to make rules for the Ontario Court (General Division) during the period from December 5th, 1989 to a day to be named by proclamation of the Lieutenant Governor.



**Bill 81** 1989

### An Act to amend the Courts of Justice Act. 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 (2) of the Courts of Justice Act, 1984, being chapter 11, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (2) The Court of Appeal has the jurisdiction conferred on it Idem by this or any other Act, and in the exercise of its jurisdiction has all the powers historically exercised by the Court of Appeal for Ontario.
- 2.—(1) Clause 3 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (c) fourteen other judges.
- (2) Subsections 3 (2) and (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, are repealed and the following substituted therefor:
- (2) The Lieutenant Governor in Council may by regulation Idem increase the number of judges of the Court of Appeal who are in addition to the Chief Justice and the Associate Chief Justice.
- 3. The said Act is amended by adding thereto the following section:
- 8a.—(1) The judges of the Court of Appeal shall meet at Meeting of least once in each year, on a day fixed by the Chief Justice of Ontario, in order to consider this Act, the rules of court and the administration of justice generally.

Idem

- (2) The judges shall report their recommendations to the Attorney General.
- **4.**—(1) Subsection 11 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (aa) the Associate Chief Justice of the Ontario Court.
- (2) Subsection 11 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Additional judges

(2) There shall be such additional offices of judge of the General Division as are from time to time required, to be held by Chief Justices of the Ontario Court, Associate Chief Justices of the Ontario Court and regional senior judges of the General Division who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the Ontario Court.

R.S.C. 1985, c. J-1

5.—(1) Subsection 13 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Absence of Chief Justice of Ontario Court

- (4) If the Chief Justice of the Ontario Court is absent from Ontario or is for any reason unable to act, his or her powers and duties shall be exercised and performed by the Associate Chief Justice of the Ontario Court or, if both are unable to act, by a regional senior judge of the General Division designated by the Chief Justice of the Ontario Court.
- (2) Subsection 13 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "with" in the second line "the Associate Chief Justice of the Ontario Court and".
- **6.** Section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "and" at the end of clause (b), by adding "and" at the end of clause (c) and by adding thereto the following clause:
  - (d) such provincial judges as were assigned to the Provincial Court (Criminal Division) or the Provincial Court (Family Division) on the 31st day of December, 1989.
- 7. Subsection 41 (8) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "to the same position" in the last line and insert-

ing in lieu thereof "as Chief Judge or as a regional senior judge, as the case may be".

- 8. Subsection 46 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (ca) the Associate Chief Justice of the Ontario Court.
- 9.—(1) Subsection 51 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (2) The regional senior judges of the General Division shall Meeting of meet at least once in each year with the Chief Justice and the senior judges Associate Chief Justice of the Ontario Court, on a day fixed by the Chief Justice, in order to consider this Act, the rules of court and the administration of justice generally.

regional

(2a) The regional senior judges of the Provincial Division Idem shall meet at least once in each year with the Chief Judge of the Provincial Division, on a day fixed by the Chief Judge, in order to consider this Act, the rules of court and the administration of justice generally.

- (2) Subsection 51 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (4) The judges meeting under this section shall report their Report of recommendations to the Attorney General.

dations

- 10. Clause 52 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "Justice" in the second line "the Associate Chief Justice".
- 11. Subsection 63 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding at the end thereof "except as provided by the rules made under this section".
- 12. The Schedule to Part III of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following item:

- 13.—(1) Clause 64 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Clause 64 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "one judge" in the first line and inserting in lieu thereof "two judges".
- (3) Clause 64 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "nine" in the first line and inserting in lieu thereof "eight".
- (4) Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (ca) one judge who was assigned to the Provincial Court (Civil Division) on the 1st day of October, 1989, who shall be appointed by the Chief Justice of the Ontario Court.
- (5) Subsection 64 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".
- **14.**—(1) Clause 66 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 66 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".

- 15.—(1) Clause 68 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 68 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".
- 16. The said Act is further amended by adding thereto the following section:
- 70.—(1) Subject to the approval of the Lieutenant Gover- Transitional, nor in Council, the Rules Committee of the Supreme and Disfor General trict Courts as it was constituted on the 1st day of November, Division 1989 may make rules for the Ontario Court (General Division) in relation to its practice and procedure, and may make rules for the General Division, even though they alter or conform to the substantive law, in relation to any of the matters set out in subsection 66 (2).

(2) Nothing in subsection (1) authorizes the making of rules Idem that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure.

(3) Subsections (1) and (2) are repealed on a day to be Repeal of named by proclamation of the Lieutenant Governor.

subss. (1) and (2)

#### 17. The said Act is further amended by adding thereto the following section:

**91a.**—(1) There shall be an advisory council to be known as the Ontario Courts Advisory Council composed of,

Ontario Courts Advisory

- (a) the Chief Justice of Ontario, who shall preside;
- (b) the Associate Chief Justice of Ontario;
- (c) the Chief Justice of the Ontario Court;
- (d) the Associate Chief Justice of the Ontario Court;

- (e) the Chief Judge of the Ontario Court (Provincial Division);
- (f) the regional senior judges of the Ontario Court (General Division);
- (g) the regional senior judges of the Ontario Court (Provincial Division);
- (h) the senior judge for the Unified Family Court; and
- (i) the Co-ordinator of Justices of the Peace.

Mandate

- (2) The Ontario Courts Advisory Council shall meet to consider any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and shall make recommendations on the matter to the Attorney General and to its members.
- 18. Clause 92 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- 19. Subsection 92a (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:

Regulations

- (2) The Lieutenant Governor in Council may make regulations prescribing regions for the purpose of this Act and prescribing the municipality in each region where the offices of the regional senior judges, the regional director of courts administration and the regional director of Crown attorneys are to be located.
- **20.** Clause 92b (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - (a) the regional senior judge of the Ontario Court (General Division), the regional senior judge of the Ontario Court (Provincial Division) and, in the region that includes the Unified Family Court, the senior judge for the Unified Family Court.

- 21. Paragraph 3 of subsection 93 (1) of the said Act, as reenacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - Assigning cases and other judicial duties to individual judges.
- 22.—(1) Subsection 94 (1) of the said Act, as amended by the Statutes of Ontario, 1989, chapter 24, section 4, is repealed and the following substituted therefor:
- (1) Registrars, sheriffs, court clerks, assessment officers Appointment and any other administrative officers and employees that are officers and considered necessary for the administration of the courts in staff Ontario may be appointed under the *Public Service Act*.

R.S.O. 1980,

- (2) Subsection 94 (2) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 4, is amended by inserting after "clerk" in the second line "bailiff".
- 23. Section 100b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 9, is amended by adding thereto the following subsection:
- (3) On a day to be named by proclamation of the Lieuten-Subs. (1) ant Governor, subsection (1) is amended by striking out "(General Division)" in the first line and inserting in lieu thereof "of Justice".

- **24.** Sections 101a and 101b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 10, are repealed and the following substituted therefor:
- 101a. The Lieutenant Governor in Council may make Regulations regulations,
  - (a) prescribing the officer or employee to whom money paid into the Ontario Court (General Division) shall be paid and providing for the vesting of that money and any securities in which that money is invested in that officer or employee;
  - (b) governing the management and investment of money paid into a court;
  - (c) providing for the payment of interest on money paid into a court and fixing the rate of interest so paid;

- (d) prescribing the officer or employee in whose name mortgages and other securities taken under an order of the Ontario Court (General Division) and instruments taken as security in respect of a proceeding in the Ontario Court (General Division) shall be taken:
- (e) respecting the deposit of the mortgages, securities and instruments and the duty or obligation, if any, in respect of them of the officer or employee in whose name they are taken.
- 25. Subsection 104 (2), as amended by the Statutes of Ontario, 1989, chapter 55, section 13, and subsection 104 (3) of the said Act are repealed.

Commencement **26.**—(1) This Act, except section 16, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 16 shall be deemed to have come into force on the 5th day of December, 1989.

Short title

27. The short title of this Act is the Courts of Justice Amendment Act, 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill81

An Act to amend the Courts of Justice Act, 1984

The Hon. I. Scott

Attorney General



1st Reading

November 23rd, 1989

2nd Reading

December 6th, 1989

3rd Reading

Royal Assent

(Reprinted as amended by the Committee of the Whole House)

#### **EXPLANATORY NOTES**

The Bill contains further amendments to those parts of the *Courts of Justice Act*, 1984 that were amended by Bill 2. The changes, other than housekeeping changes, are as follows:

Bill 2 allowed the Lieutenant Governor in Council to set the number of judges of the Court of Appeal. This Bill sets the minimum number of judges in addition to the Chief Justice and the Associate Chief Justice at fourteen and allows the Lieutenant Governor in Council to increase that number.

The Bill provides for an Associate Chief Justice of the Ontario Court.

A provision is added to provide for annual meetings of the judges of the Court of Appeal.

It is clarified that those provincial judges who were assigned to the Provincial Court (Criminal Division) or the Provincial Court (Family Division) on the 31st day of December, 1989 are included in the Provincial Division.

It is clarified that the Rules made under Part IV do not apply to the Unified Family Court except as provided in the Unified Family Court rules.

The *Partition Act* is added to the list of Acts in respect of which the Unified Family Court has jurisdiction.

Added to the list of members of the Civil Rules Committee is a provincial judge who was assigned to the Provincial Court (Civil Division) on the 1st day of October, 1989. Two Court of Appeal judges and eight Ontario Court (General Division) judges are to be appointed to that Committee, rather than one Court of Appeal judge and nine General Division judges.

The quorum for each of the rules committees is changed from a majority to one-third.

The Ontario Courts Advisory Council, which was to be discontinued under Bill 2, is revived and its membership is changed to reflect the new court structure.

The senior judge for the Unified Family Court is added to the membership of the Regional Courts Management Advisory Committee for the region in which the Unified Family Court is located.

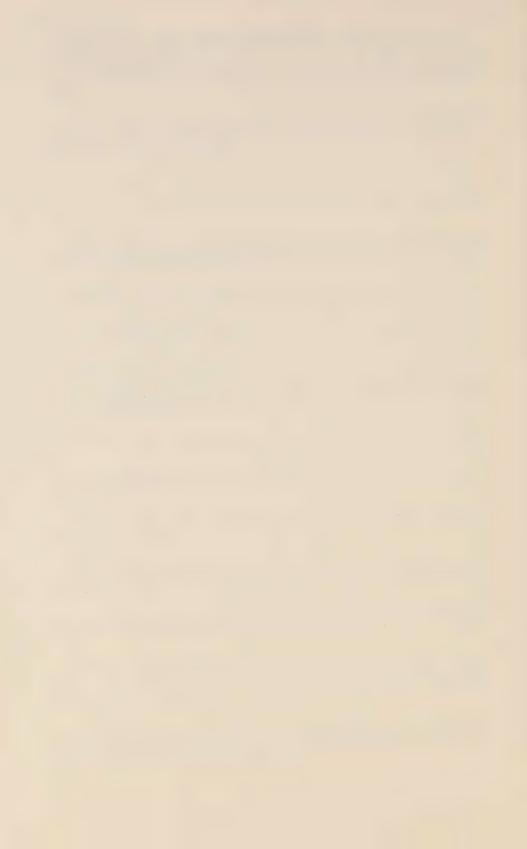
The Lieutenant Governor in Council is authorized to prescribe by regulation the city or town in each region where the offices of the regional director of courts administration, the regional director of Crown attorneys and the regional senior judges are to be located.

It is clarified that judges who have authority to supervise and direct the sittings and assignment of judicial duties may assign cases and other judicial duties to individual judges.

Bill 2 provided that every judge of the Ontario Court (General Division) and the Unified Family Court may be addressed as "Your Honour" or as "Mr. or Mme. Justice . . .". This Bill provides that on a day to be named by proclamation all judges of the Ontario Court of Justice are to be so addressed.

The provisions concerning the functions of the Accountant of the Ontario Court (General Division) are repealed and replaced with a provision giving the Lieutenant Governor in Council authority to make regulations concerning those functions and providing for the officer or employee who is to exercise them.

As a transitional measure, the Rules Committee of the Supreme and District Courts is authorized to make rules for the Ontario Court (General Division) during the period from December 5th, 1989 to a day to be named by proclamation of the Lieutenant Governor.



**Bill 81** 1989

### An Act to amend the Courts of Justice Act, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 (2) of the Courts of Justice Act, 1984, being chapter 11, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (2) The Court of Appeal has the jurisdiction conferred on it Idem by this or any other Act, and in the exercise of its jurisdiction has all the powers historically exercised by the Court of Appeal for Ontario.
- 2.—(1) Clause 3 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (c) fourteen other judges.
- (2) Subsections 3 (2) and (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, are repealed and the following substituted therefor:
- (2) The Lieutenant Governor in Council may by regulation Idem increase the number of judges of the Court of Appeal who are in addition to the Chief Justice and the Associate Chief Instice
- 3. The said Act is amended by adding thereto the following section:
- 8a.—(1) The judges of the Court of Appeal shall meet at Meeting of least once in each year, on a day fixed by the Chief Justice of Ontario, in order to consider this Act, the rules of court and the administration of justice generally.

Idem

- (2) The judges shall report their recommendations to the Attorney General.
- **4.**—(1) Subsection 11 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (aa) the Associate Chief Justice of the Ontario Court.
- (2) Subsection 11 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Additional judges

(2) There shall be such additional offices of judge of the General Division as are from time to time required, to be held by Chief Justices of the Ontario Court, Associate Chief Justices of the Ontario Court and regional senior judges of the General Division who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the Ontario Court.

R.S.C. 1985, c. J-1

5.—(1) Subsection 13 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Absence of Chief Justice of Ontario Court

- (4) If the Chief Justice of the Ontario Court is absent from Ontario or is for any reason unable to act, his or her powers and duties shall be exercised and performed by the Associate Chief Justice of the Ontario Court or, if both are unable to act, by a regional senior judge of the General Division designated by the Chief Justice of the Ontario Court.
- (2) Subsection 13 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "with" in the second line "the Associate Chief Justice of the Ontario Court and".
- **6.** Section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "and" at the end of clause (b), by adding "and" at the end of clause (c) and by adding thereto the following clause:
  - (d) such provincial judges as were assigned to the Provincial Court (Criminal Division) or the Provincial Court (Family Division) on the 31st day of December, 1989.
- 7. Subsection 41 (8) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "to the same position" in the last line and insert-

ing in lieu thereof "as Chief Judge or as a regional senior judge, as the case may be".

COURTS OF JUSTICE

- 8. Subsection 46 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (ca) the Associate Chief Justice of the Ontario Court.
- 9.—(1) Subsection 51 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (2) The regional senior judges of the General Division shall Meeting of meet at least once in each year with the Chief Justice and the senior judges Associate Chief Justice of the Ontario Court, on a day fixed by the Chief Justice, in order to consider this Act, the rules of court and the administration of justice generally.

3

- (2a) The regional senior judges of the Provincial Division Idem shall meet at least once in each year with the Chief Judge of the Provincial Division, on a day fixed by the Chief Judge, in order to consider this Act, the rules of court and the administration of justice generally.
- (2) Subsection 51 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (4) The judges meeting under this section shall report their Report of recommendations to the Attorney General.

recommen-

- **10.** Clause 52 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "Justice" in the second line "the Associate Chief Justice".
- 11. Subsection 63 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding at the end thereof "except as provided by the rules made under this section".
- 12. The Schedule to Part III of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following item:

- 13.—(1) Clause 64 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Clause 64 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "one judge" in the first line and inserting in lieu thereof "two judges".
- (3) Clause 64 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "nine" in the first line and inserting in lieu thereof "eight".
- (4) Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (ca) one judge who was assigned to the Provincial Court (Civil Division) on the 1st day of October, 1989, who shall be appointed by the Chief Justice of the Ontario Court.
- (5) Subsection 64 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".
- **14.**—(1) Clause 66 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 66 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".

- 15.—(1) Clause 68 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 68 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".
- **16.** The said Act is further amended by adding thereto the following section:
- 70.—(1) Subject to the approval of the Lieutenant Gover-Transitional, nor in Council, the Rules Committee of the Supreme and District Courts as it was constituted on the 1st day of November, Division 1989 may make rules for the Ontario Court (General Division) in relation to its practice and procedure, and may make rules for the General Division, even though they alter or conform to the substantive law, in relation to any of the matters set out in subsection 65 (2).

(2) Nothing in subsection (1) authorizes the making of rules Idem that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure.

(3) Subsections (1) and (2) are repealed on a day to be Repeal of named by proclamation of the Lieutenant Governor.

subss. (1) and (2)

- 17. The said Act is further amended by adding thereto the following section:
- **91a.**—(1) There shall be an advisory council to be known Ontario as the Ontario Courts Advisory Council composed of,

Courts Advisory Council

- (a) the Chief Justice of Ontario, who shall preside;
- (b) the Associate Chief Justice of Ontario;
- (c) the Chief Justice of the Ontario Court:
- (d) the Associate Chief Justice of the Ontario Court;

- (e) the Chief Judge of the Ontario Court (Provincial Division);
- (f) the regional senior judges of the Ontario Court (General Division);
- (g) the regional senior judges of the Ontario Court (Provincial Division);
- (h) the senior judge for the Unified Family Court; and
- (i) the Co-ordinator of Justices of the Peace.

Mandate

- (2) The Ontario Courts Advisory Council shall meet to consider any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and shall make recommendations on the matter to the Attorney General and to its members.
- <u>18.—(1)</u> Clause 92 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 92 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:

Function of Committee

- (3) The function of the Committee is to consider and recommend to the relevant bodies or authorities policies and procedures to promote the better administration of justice and the effective use of human and other resources in the public interest.
- 19. Subsection 92a (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing regions for the purpose of this Act and prescribing the municipality in each region where the offices of the regional senior judges, the regional director of courts administration and the regional director of Crown attorneys are to be located.

- **20.**—(1) Clause 92b (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - (a) the regional senior judge of the Ontario Court (General Division), the regional senior judge of the Ontario Court (Provincial Division) and, in the region that includes the Unified Family Court, the senior judge for the Unified Family Court.
- (2) Subsection 92b (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
- (3) The function of the Committee is to consider and rec-Function of ommend to the relevant bodies or authorities policies and procedures for the region to promote the better administration of justice and the effective use of human and other resources in the public interest.

- 21. Paragraph 3 of subsection 93 (1) of the said Act, as reenacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - Assigning cases and other judicial duties to individual judges.
- **22.**—(1) Subsection 94 (1) of the said Act, as amended by the Statutes of Ontario, 1989, chapter 24, section 4, is repealed and the following substituted therefor:
- (1) Registrars, sheriffs, court clerks, assessment officers Appointment and any other administrative officers and employees that are officers and considered necessary for the administration of the courts in staff Ontario may be appointed under the *Public Service Act*.

R.S.O. 1980,

- (2) Subsection 94 (2) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 4, is amended by inserting after "clerk" in the second line "bailiff".
- 23. Section 100b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 9, is amended by adding thereto the following subsection:
- (3) On a day to be named by proclamation of the Lieuten-Subs. (1) ant Governor, subsection (1) is amended by striking out "(General Division)" in the first line and inserting in lieu thereof "of Justice".

**24.** Sections 101a and 101b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 10, are repealed and the following substituted therefor:

Regulations

- **101a.** The Lieutenant Governor in Council may make regulations,
  - (a) prescribing the officer or employee to whom money paid into the Ontario Court (General Division) shall be paid and providing for the vesting of that money and any securities in which that money is invested in that officer or employee;
  - (b) governing the management and investment of money paid into a court;
  - (c) providing for the payment of interest on money paid into a court and fixing the rate of interest so paid;
  - (d) prescribing the officer or employee in whose name mortgages and other securities taken under an order of the Ontario Court (General Division) and instruments taken as security in respect of a proceeding in the Ontario Court (General Division) shall be taken;
  - (e) respecting the deposit of the mortgages, securities and instruments and the duty or obligation, if any, in respect of them of the officer or employee in whose name they are taken.
- **25.** Subsection 104 (2), as amended by the Statutes of Ontario, 1989, chapter 55, section 13, and subsection 104 (3) of the said Act are repealed.

Commencement **26.**—(1) This Act, except section 16, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 16 shall be deemed to have come into force on the 5th day of December, 1989.

Short title

27. The short title of this Act is the Courts of Justice Amendment Act, 1989.

## Bill81

(Chapter 70 Statutes of Ontario, 1989)

# An Act to amend the Courts of Justice Act, 1984

The Hon. I. Scott

Attorney General



1st Reading November 23rd, 1989

2nd Reading December 6th, 1989

3rd Reading December 14th, 1989

Royal Assent December 14th, 1989



**Bill 81** 1989

#### An Act to amend the Courts of Justice Act, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 (2) of the Courts of Justice Act, 1984, being chapter 11, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (2) The Court of Appeal has the jurisdiction conferred on it Idem by this or any other Act, and in the exercise of its jurisdiction has all the powers historically exercised by the Court of Appeal for Ontario.
- **2.**—(1) Clause 3 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (c) fourteen other judges.
- (2) Subsections 3 (2) and (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, are repealed and the following substituted therefor:
- (2) The Lieutenant Governor in Council may by regulation Idem increase the number of judges of the Court of Appeal who are in addition to the Chief Justice and the Associate Chief Justice.
- 3. The said Act is amended by adding thereto the following section:
- 8a.—(1) The judges of the Court of Appeal shall meet at Meeting of least once in each year, on a day fixed by the Chief Justice of Ontario, in order to consider this Act, the rules of court and the administration of justice generally.

Idem

- (2) The judges shall report their recommendations to the Attorney General.
- **4.**—(1) Subsection 11 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (aa) the Associate Chief Justice of the Ontario Court.
- (2) Subsection 11 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Additional judges

(2) There shall be such additional offices of judge of the General Division as are from time to time required, to be held by Chief Justices of the Ontario Court, Associate Chief Justices of the Ontario Court and regional senior judges of the General Division who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the Ontario

R.S.C. 1985, c. J-1

5.—(1) Subsection 13 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Absence of Chief Justice of Ontario Court

- (4) If the Chief Justice of the Ontario Court is absent from Ontario or is for any reason unable to act, his or her powers and duties shall be exercised and performed by the Associate Chief Justice of the Ontario Court or, if both are unable to act, by a regional senior judge of the General Division designated by the Chief Justice of the Ontario Court.
- (2) Subsection 13 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "with" in the second line "the Associate Chief Justice of the Ontario Court and".
- **6.** Section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "and" at the end of clause (b), by adding "and" at the end of clause (c) and by adding thereto the following clause:
  - (d) such provincial judges as were assigned to the Provincial Court (Criminal Division) or the Provincial Court (Family Division) on the 31st day of December, 1989.
- 7. Subsection 41 (8) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "to the same position" in the last line and insert-

ing in lieu thereof "as Chief Judge or as a regional senior judge, as the case may be".

- 8. Subsection 46 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (ca) the Associate Chief Justice of the Ontario Court.
- 9.—(1) Subsection 51 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (2) The regional senior judges of the General Division shall Meeting of meet at least once in each year with the Chief Justice and the senior judges Associate Chief Justice of the Ontario Court, on a day fixed by the Chief Justice, in order to consider this Act, the rules of court and the administration of justice generally.

- (2a) The regional senior judges of the Provincial Division Idem shall meet at least once in each year with the Chief Judge of the Provincial Division, on a day fixed by the Chief Judge, in order to consider this Act, the rules of court and the administration of justice generally.
- (2) Subsection 51 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
- (4) The judges meeting under this section shall report their Report of recommendations to the Attorney General.

recommen-

- 10. Clause 52 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "Justice" in the second line "the Associate Chief Justice".
- 11. Subsection 63 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding at the end thereof "except as provided by the rules made under this section".
- 12. The Schedule to Part III of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following item:

- 13.—(1) Clause 64 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Clause 64 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "one judge" in the first line and inserting in lieu thereof "two judges".
- (3) Clause 64 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "nine" in the first line and inserting in lieu thereof "eight".
- (4) Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:
  - (ca) one judge who was assigned to the Provincial Court (Civil Division) on the 1st day of October, 1989, who shall be appointed by the Chief Justice of the Ontario Court.
- (5) Subsection 64 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".
- **14.**—(1) Clause 66 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 66 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".

- 15.—(1) Clause 68 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 68 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".
- **16.** The said Act is further amended by adding thereto the following section:
- **70.**—(1) Subject to the approval of the Lieutenant Gover- Transitional. nor in Council, the Rules Committee of the Supreme and District Courts as it was constituted on the 1st day of November, Division 1989 may make rules for the Ontario Court (General Division) in relation to its practice and procedure, and may make rules for the General Division, even though they alter or conform to the substantive law, in relation to any of the matters set out in subsection 65 (2).

(2) Nothing in subsection (1) authorizes the making of rules Idem that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure.

Repeal of (3) Subsections (1) and (2) are repealed on a day to be subss. (1) and (2) named by proclamation of the Lieutenant Governor.

17. The said Act is further amended by adding thereto the following section:

**91a.**—(1) There shall be an advisory council to be known as the Ontario Courts Advisory Council composed of,

Ontario Advisory

- (a) the Chief Justice of Ontario, who shall preside;
- (b) the Associate Chief Justice of Ontario;
- (c) the Chief Justice of the Ontario Court;
- (d) the Associate Chief Justice of the Ontario Court;

- (e) the Chief Judge of the Ontario Court (Provincial Division);
- (f) the regional senior judges of the Ontario Court (General Division);
- (g) the regional senior judges of the Ontario Court (Provincial Division);
- (h) the senior judge for the Unified Family Court; and
- (i) the Co-ordinator of Justices of the Peace.

Mandate

- (2) The Ontario Courts Advisory Council shall meet to consider any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and shall make recommendations on the matter to the Attorney General and to its members.
- **18.**—(1) Clause 92 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).
- (2) Subsection 92 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:

Function of Committee

- (3) The function of the Committee is to consider and recommend to the relevant bodies or authorities policies and procedures to promote the better administration of justice and the effective use of human and other resources in the public interest.
- **19.** Subsection 92a (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing regions for the purpose of this Act and prescribing the municipality in each region where the offices of the regional senior judges, the regional director of courts administration and the regional director of Crown attorneys are to be located.

- **20.**—(1) Clause 92b (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - (a) the regional senior judge of the Ontario Court (General Division), the regional senior judge of the Ontario Court (Provincial Division) and, in the region that includes the Unified Family Court, the senior judge for the Unified Family Court.
- (2) Subsection 92b (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
- (3) The function of the Committee is to consider and rec-Function of ommend to the relevant bodies or authorities policies and procedures for the region to promote the better administration of justice and the effective use of human and other resources in the public interest.

- 21. Paragraph 3 of subsection 93 (1) of the said Act, as reenacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:
  - Assigning cases and other judicial duties to individual judges.
- 22.—(1) Subsection 94 (1) of the said Act, as amended by the Statutes of Ontario, 1989, chapter 24, section 4, is repealed and the following substituted therefor:
- (1) Registrars, sheriffs, court clerks, assessment officers Appointment and any other administrative officers and employees that are officers and considered necessary for the administration of the courts in staff Ontario may be appointed under the *Public Service Act*.

R.S.O. 1980.

- (2) Subsection 94 (2) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 4, is amended by inserting after "clerk" in the second line "bailiff".
- 23. Section 100b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 9, is amended by adding thereto the following subsection:
- (3) On a day to be named by proclamation of the Lieuten-Subs. (1) ant Governor, subsection (1) is amended by striking out "(General Division)" in the first line and inserting in lieu thereof "of Justice".

**24.** Sections 101a and 101b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 10, are repealed and the following substituted therefor:

Regulations

- **101a.** The Lieutenant Governor in Council may make regulations,
  - (a) prescribing the officer or employee to whom money paid into the Ontario Court (General Division) shall be paid and providing for the vesting of that money and any securities in which that money is invested in that officer or employee;
  - (b) governing the management and investment of money paid into a court;
  - (c) providing for the payment of interest on money paid into a court and fixing the rate of interest so paid;
  - (d) prescribing the officer or employee in whose name mortgages and other securities taken under an order of the Ontario Court (General Division) and instruments taken as security in respect of a proceeding in the Ontario Court (General Division) shall be taken;
  - (e) respecting the deposit of the mortgages, securities and instruments and the duty or obligation, if any, in respect of them of the officer or employee in whose name they are taken.
- **25.** Subsection 104 (2), as amended by the Statutes of Ontario, 1989, chapter 55, section 13, and subsection 104 (3) of the said Act are repealed.

Commencement **26.**—(1) This Act, except section 16, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 16 shall be deemed to have come into force on the 5th day of December, 1989.

Short title

27. The short title of this Act is the Courts of Justice Amendment Act, 1989.





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2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill82

## An Act to amend the Employment Standards Act

### Mr. Mackenzie



1st Reading

November 27th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

The Bill provides that the minimum wage cannot be less than 65 per cent of the previous year's industrial aggregate average wage for Ontario, as published by Statistics Canada.

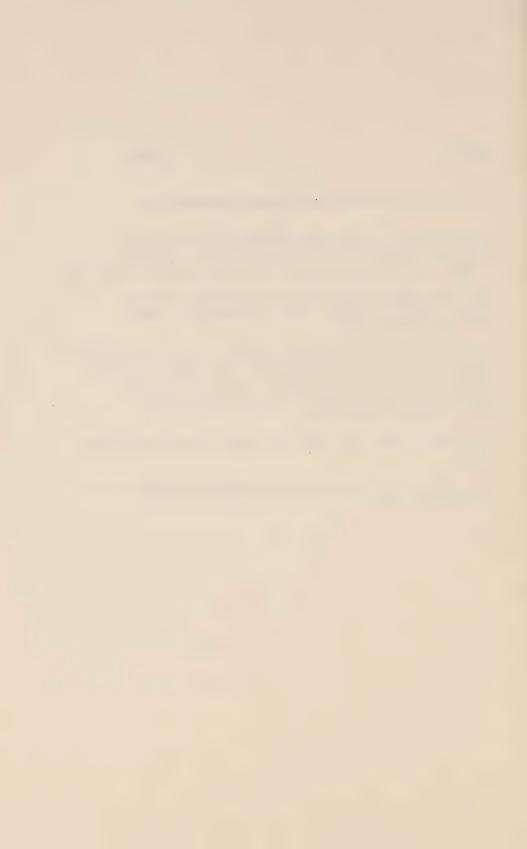
**Bill 82** 1989

### An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Employment Standards Act, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:
- 24. The minimum hourly wage established under this Act Limitation on shall not be less than 65 per cent of the number obtained by wage minimum wage dividing the industrial aggregate average weekly earnings (excluding overtime) for Ontario for the previous year, as published by Statistics Canada, by 44.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Employment Standards Short title Amendment Act, 1989.



38 ELIZABETH II, 1989

## Bill83

### An Act to amend the Education Act

Mr. Johnston (Scarborough-West)



1st Reading

November 27th, 1989

2nd Reading

3rd Reading

5761 11661611118

Royal Assent

#### **EXPLANATORY NOTE**

The purpose of the Bill is to require that American Sign Language (A.S.L.) or la Langue des signes québécois (L.S.Q.) be used as the language of instruction in schools for the deaf and in other schools in Ontario where the number of pupils warrants its use.

The Bill also recognizes A.S.L. and L.S.Q. as heritage languages.

**Bill 83** 1989

#### An Act to amend the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 10 (1) of the Education Act, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 32, section 4, 1989, chapter 1, section 2, 1989, chapter 2, section 2 and 1989, chapter 33, section 1, is further amended by adding thereto the following paragraphs:
  - 19a. requiring that American Sign Language or la Lan-language of gue des signes québécois, as the case requires, be instruction for the deaf used as the language of instruction,

- i. in any subject or subjects in any year of the primary, junior, intermediate or senior division where the number of pupils exceeds the number that is prescribed by the regulations, and
- ii. in any subject or subjects in schools for the deaf.

35. requiring boards to offer programs in American programs in Sign Language or la Langue des signes québécois, as the case requires, and governing the establishment and operation of such programs.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Education Amendment Short title Act. 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill84

An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions

The Hon. M. Elston
Chairman of the Management Board of Cabinet



1st Reading

November 28th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

Subsection 67 (2) of the Act provides as follows:

(2) This Act prevails over a confidentiality provision in any other Act unless the other Act specifically provides otherwise.

That subsection will have effect on January 1st, 1990.

The purpose of the Bill is to ensure that the confidentiality of certain information and records now protected in other Acts will be preserved after January 1st, 1990, despite subsection 67 (2).

Bill 84 1989

### An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 17 (1) of the Freedom of Information and Protection of Privacy Act, 1987, being chapter 25, is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:
  - (d) reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute.
- (2) Subsection 17 (2) of the said Act is repealed and the following substituted therefor:
- (2) A head shall refuse to disclose a record that reveals information that was obtained on a tax return or gathered for the purpose of determining tax liability or collecting a tax.
- (3) A head may disclose a record described in subsection Consent to (1) or (2) if the person to whom the information relates consents to the disclosure.
- **2.**—(1) Subsection 67 (2) of the said Act is amended by inserting after "unless" in the second line "subsection (3) or".
- (2) Subsection 67 (3) of the said Act is repealed and the following substituted therefor:
- (3) The following confidentiality provisions prevail over this Idem Act:

R.S.O. 1980, c. 31	1.	Subsection 57 (1) of the Assessment Act.
1984, c. 55	2.	Subsections 41 (8), (9) and (10), 50 (4) and (5), 70 (5), 71 (6), 72 (11) and 112 (6) and section 158a of the <i>Child and Family Services Act</i> , 1984.
R.S.O. 1980, c. 74	3.	Subsection 77 (6) of the Colleges Collective Bargaining Act.
R.S.O. 1980, c. 78	4.	Section 10 of the Commodity Futures Act.
R.S.O. 1980, c. 108	5.	Subsection 51 (1) of the Crown Employees Collective Bargaining Act.
1984, c. 11	6.	Subsection 147 (2) of the Courts of Justice Act, 1984.
R.S.O. 1980, c. 228	7.	Subsection 111 (1) of the Labour Relations Act.
1987, c. 34	8.	Subsection 32 (4) of the Pay Equity Act, 1987.
R.S.O. 1980, c. 466	9.	Section 14 of the Securities Act.
R.S.O. 1980, c. 480	10.	Subsection 4 (2) of the Statistics Act.

3. Section 30 of the *Environmental Assessment Act*, being chapter 140 of the Revised Statutes of Ontario, 1980, is repealed.

11. Subsection 24 (2) of the *Vital Statistics Act*.

- 4. Section 6 of *The North Pickering Development Corporation Act*, 1974, being chapter 124, is repealed.
- 5. Section 6 of the *Ontario Land Corporation Act*, being chapter 342 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

R.S.O. 1980,

c. 524

- 6. This Act shall be deemed to have come into force on the 1st day of January, 1990.
- 7. The short title of this Act is the Freedom of Information and Protection of Privacy Amendment Act, 1989.

## Bill84

(Chapter 71 Statutes of Ontario, 1989)

## An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions

The Hon. M. Elston

Chairman of the Management Board of Cabinet

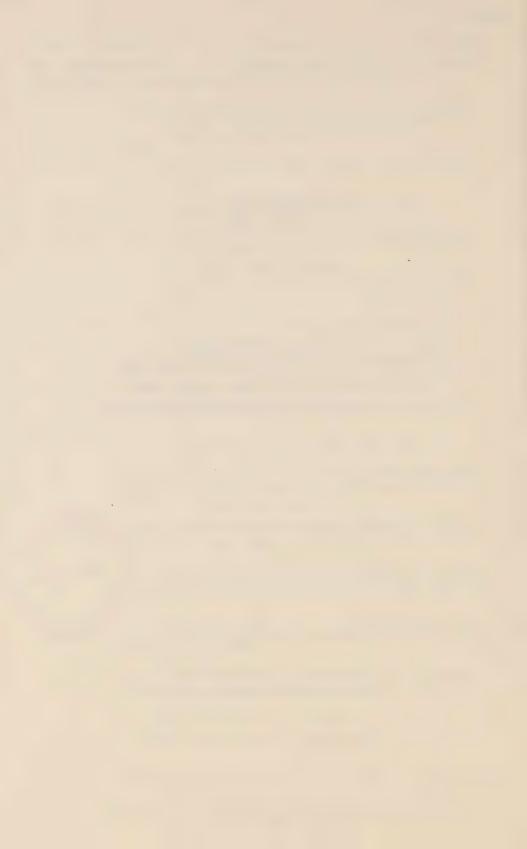


1st Reading November 28th, 1989

2nd Reading December 13th, 1989

3rd Reading December 14th, 1989

Royal Assent December 14th, 1989



**Bill 84** 1989

### An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other **Acts in respect of Confidentiality Provisions**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Subsection 17 (1) of the Freedom of Information and Protection of Privacy Act, 1987, being chapter 25, is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:
  - (d) reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute.
- (2) Subsection 17 (2) of the said Act is repealed and the following substituted therefor:
- (2) A head shall refuse to disclose a record that reveals Tax information that was obtained on a tax return or gathered for the purpose of determining tax liability or collecting a tax.

information

(3) A head may disclose a record described in subsection Consent to (1) or (2) if the person to whom the information relates consents to the disclosure.

disclosure

- 2.—(1) Subsection 67 (2) of the said Act is amended by inserting after "unless" in the second line "subsection (3) or".
- (2) Subsection 67 (3) of the said Act is repealed and the following substituted therefor:
- (3) The following confidentiality provisions prevail over this Idem Act:

R.S.O. 1980, c. 31	1.	Subsection 57 (1) of the Assessment Act.
1984, c. 55	2.	Subsections 41 (8), (9) and (10), 50 (4) and (5), 70 (5), 71 (6), 72 (11) and 112 (6) and section 158a of the <i>Child and Family Services Act, 1984</i> .
R.S.O. 1980, c. 74	3.	Subsection 77 (6) of the Colleges Collective Bargaining Act.
R.S.O. 1980, c. 78	4.	Section 10 of the Commodity Futures Act.
R.S.O. 1980, c. 108	5.	Subsection 51 (1) of the Crown Employees Collective Bargaining Act.
1984, c. 11	6.	Subsection 147 (2) of the Courts of Justice Act, 1984.
R.S.O. 1980, c. 228	7.	Subsection 111 (1) of the Labour Relations Act.
1987, c. 34	8.	Subsection 32 (4) of the Pay Equity Act, 1987.
R.S.O. 1980, c. 466	9.	Section 14 of the Securities Act.
R.S.O. 1980, c. 480	10.	Subsection 4 (2) of the Statistics Act.
R.S.O. 1980, c. 524	11.	Subsection 24 (2) of the Vital Statistics Act.

- 3. Section 30 of the *Environmental Assessment Act*, being chapter 140 of the Revised Statutes of Ontario, 1980, is repealed.
- 4. Section 6 of *The North Pickering Development Corporation Act*, 1974, being chapter 124, is repealed.
- 5. Section 6 of the *Ontario Land Corporation Act*, being chapter 342 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement 6. This Act comes into force on the 1st day of January, 1990.

Short title

7. The short title of this Act is the Freedom of Information and Protection of Privacy Amendment Act, 1989.

**Bill 85** 

Private Member's Bill

Projet de loi 85

de député

2-64

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II. 1989

2º SESSION, 34º LÉGISLATURE, ONTARIO 38 ELIZABETH II, 1989

## Bill 85

An Act to amend the **Intervenor Funding** Project Act, 1988

Mr. Chiarelli

Projet de loi 85

Loi portant modification de la Loi de 1988 sur le projet d'aide financière aux intervenants

M. Chiarelli



1st Reading

2nd Reading

3rd Reading

Royal Assent

November 28th, 1989

1<sup>re</sup> lecture

28 novembre 1989

2e lecture

3e lecture

sanction royale

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#### **EXPLANATORY NOTE**

The purpose of the Bill is to add the Ontario Municipal Board as a board to which the Act applies. The reference to "a major financial beneficiary" in the definition of "proponent" is broadened to include other areas in addition to financial matters.

#### NOTE EXPLICATIVE

Le projet de loi a pour objet d'ajouter la Commission des affaires municipales de l'Ontario à la liste des commissions auxquelles la Loi s'applique. Le sens de «bénéficiaire financier majeur» dans la définition de «proposant» est étendu de façon à recouvrir d'autres considérations que les seules questions financières.

Bill 85 1989

# An Act to amend the Intervenor Funding Project Act, 1988

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The definition of "board" in section 1 of the *Intervenor Funding Project Act*, 1988, being chapter 71, is repealed and the following substituted therefor:
- "board" means a joint board, the Ontario Energy Board, the Environmental Assessment Board or the Ontario Municipal Board.
- (2) The definition of "proponent" in the said section 1 is repealed and the following substituted therefor:
- "proponent" means a party whose undertaking, in the opinion of a funding panel, is the subject-matter of the hearing or another party, individual or corporation, who, in the opinion of a funding panel, is potentially a major beneficiary of the decision of the board.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Intervenor Funding Project Amendment Act, 1989.

### Projet de loi 85

1989

# Loi portant modification de la Loi de 1988 sur le projet d'aide financière aux intervenants

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

- 1 (1) La définition de «commission» donnée à l'article 1 de la Loi de 1988 sur le projet d'aide financière aux intervenants, qui constitue le chapitre 71, est abrogée et remplacée par ce qui suit :
- «commission» Une commission mixte, la Commission de l'énergie de l'Ontario, la Commission des évaluations environnementales ou la Commission des affaires municipales de l'Ontario.
- (2) La définition de «proposant» donnée à ce même article 1 est abrogée et remplacée par ce qui suit :
- «proposant» Partie dont l'entreprise, de l'avis d'un comité d'aide financière, fait l'objet de l'audience, ou une autre partie, personne physique ou personne morale qui, de l'avis d'un comité d'aide financière, est potentiellement un bénéficiaire important de la décision de la commission.
- 2 La présente loi entre en vigueur le jour où elle reçoit la Entrée en vigueur sanction royale.
- 3 Le titre abrégé de la présente loi est Loi de 1989 modifiant Titre abrégé la Loi sur le projet d'aide financière aux intervenants.







2ND SESSION, 34TH LEGISLATURE, ONTARIO

- B56

38 ELIZABETH II, 1989

## Bill 86

# An Act respecting the Custody of Unclaimed Intangible Property

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics



1st Reading

2nd Reading

December 5th, 1989

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The Bill provides for the transfer to the Public Trustee of intangible property held by business organizations, government organizations and others and not claimed by the owners within the time periods set out in the Bill.

The term "intangible property" is defined in the Bill.

The Public Trustee will be required to publish notices of property that holders intend to transfer and of property actually transferred to the Public Trustee.

Owners of such property will have the opportunity to reclaim untransferred property from the holders, and the right to reclaim the value of property that has been transferred to the Public Trustee.

Bill 86 1989

# An Act respecting the Custody of Unclaimed Intangible Property

#### **CONTENTS**

INTERPRETATION
PART I—GENERAL
PART II—NOTICE, REPORT, TRANSFER
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PART IV—PUBLIC TRUSTEE
PART V—CLAIMS
PART VI—INSPECTION
PART VII—MISCELLANEOUS

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### INTERPRETATION

#### 1. In this Act,

Definitions

- "business organization" means a corporation, a partnership or a sole proprietorship and, without limiting the generality of the foregoing, includes a financial organization, an insurer or a public utility;
- "communication" means any form of contact, and includes oral, written or electronic communication;
- "financial organization" means a trust company, a bank to which the *Bank Act* (Canada) applies, a loan company or a R.S.C. 1985. credit union;

"governmental organization" means,

- (a) a ministry of the Crown and a Crown agency, board or commission.
- (b) a municipality, including a district, metropolitan or regional municipality,

R.S.O. 1980, c. 303

- (c) a local board as defined in the *Municipal Affairs*Act;
- "holder", in respect of intangible property, includes any person, business organization, governmental organization or other entity,
  - (a) that is in possession of intangible property belonging to another,
  - (b) that is a trustee or other fiduciary, or
  - (c) that is indebted to another on an obligation;
- "inspector" means an inspector appointed under this Act by the Public Trustee;

R.S.O. 1980, "insurer" means an insurer licensed under the *Insurance Act*;

- "intangible property" means a right of ownership over any personal property that is not a chattel or a mortgage, and includes, without limiting the generality of the foregoing,
  - (a) money, a cheque, a bank draft, a deposit, interest, a dividend and income,
  - (b) a credit balance, a customer overpayment, a gift certificate, a security deposit, a refund, a credit memo, an unpaid wage and an unused airline ticket,
  - (c) a share or any other intangible ownership interest in a business organization,
  - (d) money deposited to redeem a share, a bond, a coupon or other security, or to make a distribution,
  - (e) an amount due and payable by the insurer under the terms of an insurance policy, and
  - (f) an amount distributable from a trust or custodial fund established under a plan to provide education, health, welfare, vacation, severance, retirement, death, share purchase, profit sharing, employee savings, supplemental unemployment insurance or a similar benefit;
- "owner", in respect of intangible property, means the legal owner or the equitable owner of the intangible property, and includes an executor or administrator of the owner:

"prescribed" means prescribed by the regulations;

"public utility" means a public utility within the meaning of the Public Utilities Act, a regional, metropolitan or munici- R.S.O. 1980, pal corporation that operates a water or sewage works, an electrical supply system or other similar works or service, and a business organization that operates a system for the transmission of communications:

3

"regulations" means regulations made under this Act.

#### PART I

#### **GENERAL**

2.—(1) This Act safeguards the rights of owners of intangi-Purpose ble property by providing a method for them to recover, in perpetuity, their intangible property that has been held by others.

(2) This Act also allows unclaimed intangible property to Idem be used for the benefit of the people of Ontario until the property is claimed by its owner.

3. The Crown in right of Ontario has the right to claim Right to and receive unclaimed intangible property that is in Ontario intangible or the ownership of which is governed by the law of Ontario.

4.—(1) Intangible property is unclaimed if no communica- Unclaimed tion is received from the owner by the holder of the property property within the time set out in subsection (2) and, where applicable, in the manner specified in that subsection.

- (2) Intangible property becomes unclaimed five years after Time periods the date on which it becomes payable or distributable by the holder, but intangible property represented by the following instruments, obligations or arrangements is subject to the following exceptions:
  - A traveller's cheque becomes unclaimed fifteen years after the date of the issue of the traveller's cheque.
  - 2. A money order becomes unclaimed seven years after the date of the issuance of the money order.
  - 3. A cheque, bank draft or other similar instrument becomes unclaimed five years after the date on which the cheque, bank draft or other similar instrument becomes payable or, if payable on

- demand, five years after the date of issuance of the cheque, bank draft or other similar instrument.
- 4. Subject to section 14, a demand deposit, savings deposit or matured time deposit with a financial organization becomes unclaimed five years after the last date on which the owner of the deposit,
  - i. last increased or decreased the amount of the deposit,
  - ii. last presented the passbook or other similar evidence of the deposit for the crediting of interest, or
  - iii. last communicated with the financial organization on any matter as evidenced by a record on file at the financial organization.
- 5. Subject to section 16, an amount held or owing under a life insurance contract, an endowment insurance contract or an annuity contract that has matured becomes unclaimed three years after the date on which the money becomes due and payable according to the records of the insurer under the contract.
- 6. A deposit made by a customer with a public utility as a deposit to secure payment or as payment in advance for utility services to be furnished becomes unclaimed one year after the date of termination of the utility services to the customer.
- 7. A refund becomes unclaimed one year after the date on which it becomes payable.
- 8. Subject to section 17, a share or other intangible ownership interest in a business organization becomes unclaimed five years after the date on which a dividend, distribution or other amount becomes payable or distributable or, where no dividend, distribution or other amount has become payable or distributable, twenty years from the prescribed date if the owner has not communicated with the holder during the twenty-year period.
- 9. Subject to section 17, dividend, distribution or other amount payable or distributable in respect of a share or other intangible ownership interest mentioned in paragraph 8 is unclaimed at the time when

that share or other intangible ownership interest becomes unclaimed.

- 10. Intangible property that is distributable in the course of the dissolution of a business organization becomes unclaimed one year after the date specified for final distribution if it remains undistributed at that time.
- Intangible property held in a fiduciary capacity becomes unclaimed five years after the last to occur of any date on which,
  - i. the property, income or increment becomes payable or distributable,
  - ii. the beneficiary has accepted payment of principal or income, or
  - iii. the beneficiary has communicated with the holder, or otherwise indicated an interest in the property, as evidenced by the records of the holder.
- 12. Intangible property that is held for the owner by a court, a tribunal or governmental organization becomes unclaimed one year after the date on which the intangible property becomes payable or distributable.
- 13. An unpaid wage, including a wage represented by an unpresented payroll cheque, that is owing in the ordinary course of business becomes unclaimed one year after the date on which the wage becomes payable.

(3) When any intangible property becomes unclaimed, all Interest, etc. interest, income and other accretions to the property held by the holder at the time the property is transferred to the Public Trustee are unclaimed and shall be transferred to the Public Trustee with the property.

#### PART II

#### NOTICE, REPORT, TRANSFER

5.—(1) A holder of unclaimed intangible property that has Notice to a value of more than \$100 who has an address for the owner of the property shall send written notice to the owner.

Time

(2) The holder shall send the notice not less than ninety days and not more than twelve months before the date by which the holder is required to report to the Public Trustee as required by this Part.

Content

(3) The notice shall state that the holder is holding the property, that the property is subject to this Act and any other prescribed information.

Inaccurate address

(4) Subsection (1) does not apply if the holder has reasonable grounds for believing that the address of the owner in the records of the holder is inaccurate.

Charge for notice

(5) No holder shall charge more than the prescribed amount for sending written notice under this section.

Report to Public Trustee **6.**—(1) Every holder of unclaimed intangible property shall file annually with the Public Trustee a report within the prescribed time and in the prescribed form in respect of the property.

Earlier payment or transfer (2) A holder of unclaimed intangible property who is exempt by the regulations from reporting the name of the owner of the property to the Public Trustee shall transfer the property to the Public Trustee at the time of filing the report with the Public Trustee.

Extension of time

(3) The Public Trustee may extend the time for filing the report if satisfied that there are reasonable grounds for granting the extension.

Time of grant of extension

(4) The Public Trustee may grant an extension before or after expiry of the time for filing the report.

Notice of proposed transfer

**7.** The Public Trustee shall cause notices to be published, in accordance with the regulations, listing the names of, and other prescribed information relating to, the owners of property recorded in reports filed under this Act and the regulations with the Public Trustee by holders of such property.

Transfer to Public Trustee

**8.**—(1) Within six months after the date on which a holder of unclaimed intangible property is required to file a report under section 6 in respect of the property, the holder shall transfer the property to the Public Trustee.

Exception

(2) Subsection (1) does not apply in respect of property that has been claimed by the owner.

Further reports

(3) A holder who transfers property under this section shall file with the Public Trustee, at the time of the transfer,

- (a) a second report in the prescribed form in respect of the property mentioned in the first report; and
- (b) a report in the prescribed form in respect of any property claimed by the owner from the holder between the dates of filing the first and second reports.
- **9.**—(1) The Public Trustee may require the transfer to the Public Trustee of records related to unclaimed intangible property transferred under this Act.

(2) The Public Trustee may extend the time for making a Extension of transfer under subsection (1) if the Public Trustee is satisfied that there are reasonable grounds for granting the extension.

(3) The Public Trustee may grant an extension before or Time of after expiry of the time for making the transfer.

grant of extension

(4) A holder of unclaimed intangible property may transfer Voluntary to the Public Trustee any record in respect of the property that the Public Trustee is willing to accept.

10. The holder of unclaimed intangible property composed Certificate of of shares or any other intangible ownership interest in a business organization who is required to transfer the property to the Public Trustee shall, at the request of the Public Trustee, issue and deliver to the Public Trustee a certificate showing the Public Trustee as owner of the property or, if the holder does not issue certificates of ownership, other evidence of ownership satisfactory to the Public Trustee, and the change of ownership shall be recorded in the records of the holder.

ownership

11. The Public Trustee shall cause a notice in the pre- Notice by scribed form to be published annually in The Ontario Gazette, Trustee listing the names of, and other prescribed information relating to, the owners of unclaimed intangible property transferred to the Public Trustee in the previous year.

12. The owner of unclaimed intangible property trans-Right of ferred to the Public Trustee has the right to claim the property from the Public Trustee in accordance with Part V.

# **PART III**

#### SPECIAL RULES

**13.**—(1) A holder of intangible property shall not impose a charge against the owner of the property because the owner of the property because the owner prohibited

has failed to communicate with the holder or because there have been no transactions with respect to the property.

Exception

- (2) Subsection (1) does not apply if the charge is authorized under any Act or if there is a written contract between the holder and the owner pursuant to which the holder may impose the charge and,
  - (a) the holder regularly imposes such charges; and
  - (b) the holder does not regularly reverse or otherwise cancel such charges after imposing them.

Limit

(3) Despite subsection (2), a charge mentioned in subsection (1) that exceeds the prescribed amount is void.

Deemed charge

(4) For the purposes of this section, ceasing to make payment of interest shall be deemed to be the imposition of a charge and the amount of the unpaid interest shall be deemed to be the amount of the charge.

Automatic renewal of deposits **14.**—(1) For the purposes of paragraph 4 of subsection 4 (2), the automatic renewal of a demand deposit, savings deposit or matured time deposit with a financial organization does not prevent the commencement of the period of time.

Exception

(2) Subsection (1) does not apply if the owner of the deposit communicated with the bank or financial organization at or about the time of renewal to consent to the renewal.

Travellers' cheques and money orders

- 15. Ontario does not have the right to unclaimed intangible property represented by a traveller's cheque, money order or similar written instrument unless,
  - (a) the records of the issuer show that the traveller's cheque, money order or similar written instrument was purchased in the Province; or
  - (b) the issuer has its principal place of business in the Province and the records of the issuer do not show that the traveller's cheque, money order or similar written instrument was purchased in another jurisdiction.

Insurance and annuity contracts

**16.**—(1) For the purposes of paragraph 5 of subsection 4 (2), an annuity contract, a life insurance contract or an endowment insurance contract not matured by proof of the death of the annuitant or the person whose life was insured according to the records of the insurer shall be deemed to be matured and the proceeds are due and payable if,

- (a) the insurer has reasonable grounds for belief that the person has died, and the contract was in force on the date the person is believed to have died; or
- (b) the person, if alive, would have attained the limiting age under the mortality table on which the reserve for the contract is based, and the contract was in force on the date on which the person would have attained that age.
- (2) Subsection (1) does not apply if, within the preceding Application of subs. (1) three years, any person who is entitled to do so has assigned an interest in the contract, readjusted or paid premiums on the contract, borrowed from the insurer against the contract or otherwise communicated with the insurer.

17.—(1) For the purposes of paragraph 8 of subsection Shares 4 (2), a share or any other intangible ownership interest in a business organization is not unclaimed unless,

- there have been at least five consecutive dividends, distributions or other sums payable or distributable in respect of the share or other intangible ownership interest; and
- (b) at least five years have elapsed since the date when the earliest of the five consecutive dividends, distributions or other sums mentioned in clause (a) became payable or distributable and no dividend, distribution or other sum that became payable or distributable on or after that date has been claimed by the owner.
- (2) If five dividends, distributions or other sums are pay- Calculation able or distributable, the period of time for determining whether the interest is unclaimed intangible property shall be calculated from the date of payment or distribution of the first unclaimed dividend, distribution or other sum.

(3) For the purposes of this Act, a person who holds intan-Holder gible property as a transfer agent for the issuer of shares is the holder of the property only in so far as the interest of the issuer is concerned, and the issuer is the holder of the property in respect of the interest of the owner.

(4) Where a broker, depository or other fiduciary is the Application to brokers, holder of a share or other intangible ownership interest and etc. has not paid or distributed to the owner the dividends, distributions or other sums payable or distributable mentioned in subsection (1) in respect of the share or interest for the period

mentioned in that subsection, the share or other interest, including the dividends, distribution or other sums payable or distributable, is unclaimed.

Retirement accounts and plans R.S.C. 1952, c. 148

**18.** Funds in a registered retirement savings plan, as defined by the *Income Tax Act* (Canada), or similar plan are not payable or distributable for the purposes of this Act until five years after the date when, under the terms of the plan, distribution of all or part of the funds is mandatory and the owner or beneficiary of the funds has not communicated with the holder in that time as evidenced by the records of the holder.

# **PART IV**

#### PUBLIC TRUSTEE

Administrator **19.** The Public Trustee is the administrator of unclaimed intangible property on behalf of Ontario.

Authority of Public Trustee **20.**—(1) Subject to this Act, the Public Trustee has and may exercise all the rights and powers related to ownership in respect of unclaimed intangible property transferred, or required to be transferred, to the Public Trustee.

Powers and duties R.S.O. 1980, c. 422

(2) The Public Trustee has in respect of this Act the powers, capacities, duties and liabilities under the *Public Trustee Act*.

Unclaimed Intangible Property Account **21.**—(1) The Public Trustee shall establish in the accounts of the Public Trustee an account to be known as the "Unclaimed Intangible Property Account".

Record

(2) The Public Trustee shall record in the Unclaimed Intangible Property Account all unclaimed intangible property transferred to the Public Trustee and the disposition of the property.

Fees and expenses

**22.** The Public Trustee is entitled to charge against the Unclaimed Intangible Property Account the expenses of administration approved by the Management Board of Cabinet in respect of property received and administered under this Act.

Transfer to Treasurer of Ontario

**23.**—(1) The Public Trustee shall transfer to the Treasurer of Ontario at the close of each fiscal year for deposit into the Consolidated Revenue Fund the balance remaining recorded in the Unclaimed Intangible Property Account.

(2) The Public Trustee may retain out of the moneys to be Reserve transferred a reasonable reserve, in an amount approved by the Treasurer of Ontario, against future claims and expenses against the Account.

(3) If the amount held in the Account, together with the Insufficient reserve retained under subsection (2), is insufficient to meet claims against it, the Treasurer of Ontario may pay from the Consolidated Revenue Fund to the credit of the Account such sum as is, in the opinion of the Treasurer, sufficient to meet the claims that cannot be satisfied from it.

### PART V

#### **CLAIMS**

24. A person claiming an interest in unclaimed intangible Filing of property transferred to the Public Trustee may file a claim with the Public Trustee in the prescribed form.

25. The Public Trustee shall consider and respond in Response to writing to each claim within ninety days after the claim is filed.

26.—(1) If a claim is allowed, the Public Trustee shall Return of transfer to the claimant the intangible property transferred to property the Public Trustee or, if the property has been sold by the Public Trustee, the net proceeds of the sale.

(2) The Public Trustee is entitled to be paid by the person Expenses and to whom intangible property is transferred under subsection (1) or to retain out of the net proceeds of sale the expenses and prescribed fees of the Public Trustee.

- (3) Expenses and fees mentioned in subsection (2) shall be Idem deposited in the Unclaimed Intangible Property Account.
- 27.—(1) If unclaimed intangible property in respect of Interest which a claim is allowed was interest-bearing to the owner on the date of transfer to the Public Trustee, the Public Trustee shall pay to the claimant an amount in respect of interest calculated at the lesser of the prescribed rate or the rate the property was earning immediately before transfer to the Public Trustee.

(2) If unclaimed intangible property in respect of which a Idem claim is allowed is transferred to the Public Trustee in a form other than money, the Public Trustee also shall pay to the claimant any dividend, interest or other increment realized or accrued on the property from the date the property was transferred to the Public Trustee to and including the date the property was converted into money and thereafter shall pay an amount in respect of interest in accordance with subsection (1).

Calculation of interest

(3) Interest begins to accrue on the date when the unclaimed intangible property is transferred to the Public Trustee, in the case of money, and, in the case of property other than money, on the date when the property was converted into money, and ceases on the earlier of the expiration of ten years after that date or the date on which the property is transferred to the owner.

Liability

**28.**—(1) A holder who transfers property to the Public Trustee for the purposes of this Act in good faith is relieved of all liability to the extent of the value of the property paid or transferred for any claim in respect of the property.

Indemnity

(2) Subject to subsection (3), if a holder transfers property to the Public Trustee in good faith and thereafter another person claims the property from the person who was the holder or another jurisdiction claims the property under its laws relating to escheat or unclaimed property, the Public Trustee, upon proof of the claim, will indemnify the person who was the holder as to the claim and legal costs.

Conditions

- (3) The Public Trustee is not required to pay an indemnity unless the person who was the holder,
  - (a) gives to the Public Trustee written notice of the claim forthwith after becoming aware of the claim;
  - (b) takes no action that would prejudice any settlement of the claim by the Public Trustee and takes no action that would prejudice any defence of the claim or any appeal in relation thereto; and
  - (c) assists (except monetarily) the Public Trustee in such manner as may be reasonably necessary to settle the claim or as may be reasonably necessary in defence of the claim or in any appeal in relation thereto.

Rights of Public Trustee (4) Upon receipt of a written notice from a person who was a holder, the Public Trustee may defend or contest the claim to which the notice relates and the Public Trustee may exercise and make any defence that the person could make.

Claim for appreciation in value

**29.** No person has the right to a claim against the Crown, the Public Trustee, the holder, or a transfer agent, a registrar

or other person acting for or on behalf of a holder for any appreciation in the value of unclaimed intangible property occurring after transfer by the holder to the Public Trustee.

**30.**—(1) Upon application, a court of competent jurisdic- Determition may determine the rights of a claimant under this Part.

nation of rights by

(2) An application under subsection (1) shall not be commenced before the expiry of the period of time within which the Public Trustee is required to respond to a claim under this Part.

**31.**—(1) A court that determines an application respecting Costs property transferred to the Public Trustee under this Act may award costs to be paid out of the value of the property.

(2) The court shall not award costs against the Public Exception Trustee or the holder who transferred the property to the Public Trustee.

(3) Subsection (2) does not apply if the court determines Application that the Public Trustee or the holder who transferred the property to the Public Trustee failed to act in accordance with this Act or the regulations and the failure to act prejudiced the interest of the owner of the property.

# **PART VI**

#### INSPECTION

32. The Public Trustee may appoint in writing one or Appointment more persons as inspectors.

33. An inspector may at any reasonable time, without a Entry warrant, enter the business premises of a holder of intangible property to make an inspection for the purposes of this Act and the regulations.

34. Upon an inspection, an inspector has the right to Inspection examine the business records of the holder to determine whether the holder is complying with this Act and the regulations.

35.—(1) Every holder of intangible property whose busi- Co-operation ness records are the subject of an inspection shall co-operate fully with the inspector, including,

(a) permitting the inspector to enter all premises where the holder keeps business records;

- (b) producing to the inspector the holder's business records;
- (c) permitting the inspector to examine the holder's business records and providing such assistance as is requested by the inspector; and
- (d) providing to the inspector information requested by the inspector in respect of the holder's business records and in respect of intangible property held by the holder for any other person.

**Employees** 

(2) Every employee of a business organization whose business records are the subject of an inspection also shall provide the co-operation specified in subsection (1).

Powers of inspection

- (3) Upon an inspection under this section, the inspector,
  - (a) has the right to inspect the premises and the operations carried out on the premises;
  - (b) has the right to free access, at any reasonable time, to all books of account, documents, correspondence and records, including all records that are relevant to the purposes of the inspection, regardless of the form or medium in which such records are kept, but, if such books, documents, correspondence or records are kept in a form or medium that is not legible, the inspector is entitled to require the person apparently in charge of them to produce a legible physical copy for examination by the inspector;
  - (c) has the right to remove, upon giving a receipt therefor and showing the certificate of appointment issued by the Public Trustee, any material referred to in clause (b) that relates to the purposes of the inspection for the purpose of making a copy thereof, provided that the material is promptly returned to the person apparently in charge of the premises from which the material was removed; and
  - (d) may question a person on matters that are or may be relevant to an inspection under this Act, subject to the person's right to have counsel or some other representative present during the examination.

Obstruction

**36.** No person shall hinder, obstruct or fail to co-operate with an inspector carrying out an inspection.

**37.**—(1) An inspector may apply to a justice of the peace Application for a warrant if a holder of intangible property, or a person believed to be a holder of intangible property,

for warrant

- (a) denies an inspector entry to the holder's business premises:
- (b) instructs an inspector to leave the holder's business
- (c) obstructs an inspector carrying out an inspection; or
- (d) fails to co-operate with an inspector carrying out an inspection.
- (2) A justice of the peace may issue a warrant in the pre- Issuance of scribed form if satisfied on evidence upon oath or affirmation.

- (a) that there is reasonable ground for believing that it is necessary to enter any business premises and to examine a holder's business records for the purposes of this Act; and
- (b) that an inspector has been denied entry, instructed to leave, obstructed or refused production of any business record.
- (3) A warrant under this section authorizes the inspector, Action under and any person acting under the direction of the inspector, to enter the business premises of the holder named in the warrant, to examine the holder's business records and, upon giving a receipt therefor, to remove the business records or any part of them for the purpose of making copies by force, if necessary, together with such police officer or officers as they call upon to assist them.

- (4) A warrant issued under this section shall be executed at Execution of reasonable times as specified in the warrant.
- (5) A warrant issued under this section shall state the date Expiry of on which it expires, which shall be a date not later than fifteen days after the warrant is issued.
- (6) A justice of the peace may receive and consider an Notice of application for a warrant under this section without notice to and in the absence of a representative of the holder whose records are to be inspected.

application

# **PART VII**

### **MISCELLANEOUS**

Failure to report

**38.**—(1) Every person who fails, without reasonable excuse, to file a report as required by this Act and the regulations shall pay a penalty of not more than \$500 for each day or part of a day on which the failure occurs or continues.

Failure to transfer

(2) Every person who fails, without reasonable excuse, to transfer unclaimed intangible property to the Public Trustee when required by this Act and the regulations shall pay a penalty in an amount equal to 10 per cent of the value of the unclaimed intangible property.

Interest

(3) Every person who fails, without reasonable excuse, to transfer unclaimed intangible property to the Public Trustee when required by this Act and the regulations shall pay a penalty in an amount equal to interest at the prescribed rate on the value of the property calculated from the date when the person should have transferred the property to the Public Trustee to and including the date on which the property is transferred to the Public Trustee.

Payment

(4) Every penalty under subsection (1), (2) or (3) shall be paid to the Public Trustee and shall form part of the Unclaimed Intangible Property Account.

Order

(5) Upon application by the Public Trustee, a court of competent jurisdiction may order a person to pay a penalty that the person owes under subsection (1), (2) or (3).

Application to court

**39.** Upon application by the Public Trustee, a court of competent jurisdiction may order a holder of unclaimed intangible property to transfer the property to the Public Trustee in accordance with this Act and the regulations.

Copies

**40.** A copy of any business record related to an inspection and purporting to be certified by an inspector is admissible in evidence in any action, application or prosecution as proof, in the absence of evidence to the contrary, of the original.

Retention of property

**41.** Every person who is required to file a report with the Public Trustee in respect of intangible property shall preserve the records relating to the property for the prescribed period of time.

Offences

**42.**—(1) Every person who obstructs or hinders an inspector carrying out or attempting to carry out an inspection under this Act is guilty of an offence.

- (2) Every person who participates in, assents to or Idem acquiesces in the making of an incorrect statement or omission in a report or return under this Act or the regulations is guilty of an offence.
- (3) Every person who fails to preserve a record in accord-Records ance with this Act or the regulations is guilty of an offence.
- (4) Every director or officer of a body corporate that is Director or guilty of an offence under this Act who authorizes, permits or acquiesces in the offence is guilty of an offence.

**43.** Every person who is guilty of an offence under this Penalty Act is liable on conviction to a fine of not more than \$5,000 or, if the person is a body corporate, to a fine of not more than \$25,000 for every day or part of a day on which the offence occurs or continues.

**44.**—(1) A provision of an agreement to recover or assist Compenin recovering unclaimed intangible property that provides for compensation or for payment of expenses, or for both, is not valid in respect of that part of the compensation or expenses, or both, that exceeds 20 per cent of the value of the property.

(2) Despite the existence of an agreement to recover or Public assist in recovering unclaimed intangible property, the Public Trustee has the right to transfer property or to make payment, or both, directly to the owner of the property.

45. Despite the Freedom of Information and Protection of Records and Privacy Act, 1987, the Public Trustee shall provide to officials 1987, c. 25 of the Ministry of Treasury and Economics such records and information as they request for the purposes of developing policies for the Province of Ontario.

- **46.** The Lieutenant Governor in Council may make regu- Regulations lations,
  - (a) prescribing any matter referred to in this Act as prescribed:
  - (b) respecting the times within which holders of unclaimed intangible property shall report thereon to the Public Trustee:
  - (c) requiring that reports to the Public Trustee respecting unclaimed intangible property be accompanied by certificates verifying their accuracy and completeness as reflecting the records of the holder

making the report, prescribing the forms of such reports and by whom such reports shall be signed;

- (d) exempting holders of unclaimed intangible property of prescribed classes or of less than the prescribed value from reporting the names and addresses of the owners of the property to the Public Trustee;
- (e) exempting kinds or classes of property from the application of this Act or the regulations;
- (f) exempting classes of persons from reporting or transferring property under this Act or the regulations;
- (g) respecting the records that shall be kept by the Public Trustee in respect of property transferred to the Public Trustee under this Act;
- (h) respecting the publication of notices by the Public Trustee listing property paid or transferred to the Public Trustee under this Act;
- (i) respecting the fees and expenses that may be charged by the Public Trustee for the care and administration of property under this Act;
- (j) prescribing rules and conditions for determining when intangible property is or is not in Ontario for the purposes of this Act;
- (k) prescribing the time when and the circumstances in which intangible property not mentioned in section 4 becomes unclaimed;
- (1) prescribing for the purposes of subsection 5 (1) an amount other than \$100.

Transitional

**47.**—(1) The periods of time set out in this Act for calculating when intangible property becomes unclaimed apply in respect of periods of time before as well as after the coming into force of this Act.

Void provisions

(2) Every provision of any by-law, letters patent or articles of incorporation or association or in any other similar instrument, whether made before or after the coming into force of this Act, that extinguishes or forfeits an owner's interest in intangible property before it is to be transferred to the Public Trustee under this Act is void.

(3) Subsection (2) does not apply in respect of the extin- Exception guishment or forfeiture of an owner's interest in intangible property before a date that is ten years before the date on which this Act comes into force.

(4) This Act applies despite the provisions of any other Act Conflict with that, after the coming into force of this Act, extinguish or make unenforceable an owner's interest in intangible property or limit the commencement or continuation of any action or proceeding with respect to the owner's interest in intangible property.

(5) Subject to this section, this Act does not revive the Interest not interest of an owner in intangible property if that interest has, before the 18th day of May, 1989, been extinguished or made unenforceable unless.

- (a) on or after that date, the financial or other records of the holder show the entitlement of the owner to that interest: or
- (b) the holder regularly waives the extinguishment or unenforceability of such interests.
- 48. This Act comes into force on a day to be named by Commenceproclamation of the Lieutenant Governor.
- **49.** The short title of this Act is the *Unclaimed Intangible* Short title Property Act, 1989.







Government Publications

2ND SESSION, 34TH LEGISLATURE, ONTARIO

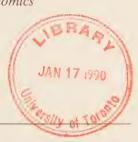
38 ELIZABETH II, 1989

# Bill 86

(Chapter 83 Statutes of Ontario, 1989)

# An Act respecting the **Custody of Unclaimed Intangible Property**

The Hon, R. Nixon Treasurer of Ontario and Minister of Economics



December 5th, 1989 1st Reading 2nd Reading December 13th, 1989 December 19th, 1989 3rd Reading Royal Assent December 19th, 1989



Bill 86 1989

# An Act respecting the Custody of Unclaimed Intangible Property

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

# **INTERPRETATION**

# 1. In this Act,

Definitions

"business organization" means a corporation, a partnership or a sole proprietorship and, without limiting the generality of the foregoing, includes a financial organization, an insurer or a public utility;

"communication" means any form of contact, and includes oral, written or electronic communication;

"financial organization" means a trust company, a bank to which the *Bank Act* (Canada) applies, a loan company or a R.S.C. 1985. credit union;

"governmental organization" means,

- (a) a ministry of the Crown and a Crown agency, board or commission,
- (b) a municipality, including a district, metropolitan or regional municipality,

R.S.O. 1980, c. 303

- (c) a local board as defined in the *Municipal Affairs*Act;
- "holder", in respect of intangible property, includes any person, business organization, governmental organization or other entity,
  - (a) that is in possession of intangible property belonging to another,
  - (b) that is a trustee or other fiduciary, or
  - (c) that is indebted to another on an obligation;
- "inspector" means an inspector appointed under this Act by the Public Trustee;

R.S.O. 1980, "insurer" means an insurer licensed under the *Insurance Act*; c. 218

- "intangible property" means a right of ownership over any personal property that is not a chattel or a mortgage, and includes, without limiting the generality of the foregoing,
  - (a) money, a cheque, a bank draft, a deposit, interest, a dividend and income,
  - (b) a credit balance, a customer overpayment, a gift certificate, a security deposit, a refund, a credit memo, an unpaid wage and an unused airline ticket,
  - (c) a share or any other intangible ownership interest in a business organization,
  - (d) money deposited to redeem a share, a bond, a coupon or other security, or to make a distribution,
  - (e) an amount due and payable by the insurer under the terms of an insurance policy, and
  - (f) an amount distributable from a trust or custodial fund established under a plan to provide education, health, welfare, vacation, severance, retirement, death, share purchase, profit sharing, employee savings, supplemental unemployment insurance or a similar benefit;
- "owner", in respect of intangible property, means the legal owner or the equitable owner of the intangible property, and includes an executor or administrator of the owner;

"prescribed" means prescribed by the regulations;

"public utility" means a public utility within the meaning of the Public Utilities Act, a regional, metropolitan or munici- R.S.O. 1980, pal corporation that operates a water or sewage works, an electrical supply system or other similar works or service, and a business organization that operates a system for the transmission of communications:

"regulations" means regulations made under this Act.

# PART I

#### **GENERAL**

2.—(1) This Act safeguards the rights of owners of intangi- Purpose ble property by providing a method for them to recover, in perpetuity, their intangible property that has been held by others.

- (2) This Act also allows unclaimed intangible property to Idem be used for the benefit of the people of Ontario until the property is claimed by its owner.
- 3. The Crown in right of Ontario has the right to claim Right to and receive unclaimed intangible property that is in Ontario intangible or the ownership of which is governed by the law of Ontario.

4.—(1) Intangible property is unclaimed if no communica- Unclaimed tion is received from the owner by the holder of the property property within the time set out in subsection (2) and, where applicable, in the manner specified in that subsection.

(2) Intangible property becomes unclaimed five years after Time periods the date on which it becomes payable or distributable by the holder, but intangible property represented by the following instruments, obligations or arrangements is subject to the following exceptions:

- A traveller's cheque becomes unclaimed fifteen 1. years after the date of the issue of the traveller's cheque.
- 2. A money order becomes unclaimed seven years after the date of the issuance of the money order.
- 3. A cheque, bank draft or other similar instrument becomes unclaimed five years after the date on which the cheque, bank draft or other similar instrument becomes payable or, if payable on

- demand, five years after the date of issuance of the cheque, bank draft or other similar instrument.
- 4. Subject to section 14, a demand deposit, savings deposit or matured time deposit with a financial organization becomes unclaimed five years after the last date on which the owner of the deposit,
  - i. last increased or decreased the amount of the deposit,
  - ii. last presented the passbook or other similar evidence of the deposit for the crediting of interest, or
  - iii. last communicated with the financial organization on any matter as evidenced by a record on file at the financial organization.
- 5. Subject to section 16, an amount held or owing under a life insurance contract, an endowment insurance contract or an annuity contract that has matured becomes unclaimed three years after the date on which the money becomes due and payable according to the records of the insurer under the contract.
- 6. A deposit made by a customer with a public utility as a deposit to secure payment or as payment in advance for utility services to be furnished becomes unclaimed one year after the date of termination of the utility services to the customer.
- 7. A refund becomes unclaimed one year after the date on which it becomes payable.
- 8. Subject to section 17, a share or other intangible ownership interest in a business organization becomes unclaimed five years after the date on which a dividend, distribution or other amount becomes payable or distributable or, where no dividend, distribution or other amount has become payable or distributable, twenty years from the prescribed date if the owner has not communicated with the holder during the twenty-year period.
- 9. Subject to section 17, a dividend, distribution or other amount payable or distributable in respect of a share or other intangible ownership interest mentioned in paragraph 8 is unclaimed at the time when

that share or other intangible ownership interest becomes unclaimed.

- 10. Intangible property that is distributable in the course of the dissolution of a business organization becomes unclaimed one year after the date specified for final distribution if it remains undistributed at that time.
- Intangible property held in a fiduciary capacity becomes unclaimed five years after the last to occur of any date on which.
  - i. the property, income or increment becomes payable or distributable,
  - ii. the beneficiary has accepted payment of principal or income, or
  - iii. the beneficiary has communicated with the holder, or otherwise indicated an interest in the property, as evidenced by the records of the holder.
- 12. Intangible property that is held for the owner by a court, a tribunal or governmental organization becomes unclaimed one year after the date on which the intangible property becomes payable or distributable.
- 13. An unpaid wage, including a wage represented by an unpresented payroll cheque, that is owing in the ordinary course of business becomes unclaimed one year after the date on which the wage becomes payable.

(3) When any intangible property becomes unclaimed, all Interest, etc. interest, income and other accretions to the property held by the holder at the time the property is transferred to the Public Trustee are unclaimed and shall be transferred to the Public Trustee with the property.

### PART II

#### NOTICE, REPORT, TRANSFER

5.—(1) A holder of unclaimed intangible property that has Notice to a value of more than \$100 who has an address for the owner of the property shall send written notice to the owner.

Time

(2) The holder shall send the notice not less than ninety days and not more than twelve months before the date by which the holder is required to report to the Public Trustee as required by this Part.

Content

(3) The notice shall state that the holder is holding the property, that the property is subject to this Act and any other prescribed information.

Inaccurate address

(4) Subsection (1) does not apply if the holder has reasonable grounds for believing that the address of the owner in the records of the holder is inaccurate.

Charge for notice

(5) No holder shall charge more than the prescribed amount for sending written notice under this section.

Report to Public Trustee **6.**—(1) Every holder of unclaimed intangible property shall file annually with the Public Trustee a report within the prescribed time and in the prescribed form in respect of the property.

Earlier payment or transfer (2) A holder of unclaimed intangible property who is exempt by the regulations from reporting the name of the owner of the property to the Public Trustee shall transfer the property to the Public Trustee at the time of filing the report with the Public Trustee.

Extension of time

(3) The Public Trustee may extend the time for filing the report if satisfied that there are reasonable grounds for granting the extension.

Time of grant of extension

(4) The Public Trustee may grant an extension before or after expiry of the time for filing the report.

Notice of proposed transfer

**7.** The Public Trustee shall cause notices to be published, in accordance with the regulations, listing the names of, and other prescribed information relating to, the owners of property recorded in reports filed under this Act and the regulations with the Public Trustee by holders of such property.

Transfer to Public Trustee

**8.**—(1) Within six months after the date on which a holder of unclaimed intangible property is required to file a report under section 6 in respect of the property, the holder shall transfer the property to the Public Trustee.

Exception

(2) Subsection (1) does not apply in respect of property that has been claimed by the owner.

Further reports

(3) A holder who transfers property under this section shall file with the Public Trustee, at the time of the transfer,

- (a) a second report in the prescribed form in respect of the property mentioned in the first report; and
- (b) a report in the prescribed form in respect of any property claimed by the owner from the holder between the dates of filing the first and second reports.
- **9.**—(1) The Public Trustee may require the transfer to the Transfer of Public Trustee of records related to unclaimed intangible property transferred under this Act.

(2) The Public Trustee may extend the time for making a Extension of transfer under subsection (1) if the Public Trustee is satisfied that there are reasonable grounds for granting the extension.

(3) The Public Trustee may grant an extension before or Time of after expiry of the time for making the transfer.

grant of extension

(4) A holder of unclaimed intangible property may transfer Voluntary to the Public Trustee any record in respect of the property that the Public Trustee is willing to accept.

10. The holder of unclaimed intangible property composed Certificate of of shares or any other intangible ownership interest in a business organization who is required to transfer the property to the Public Trustee shall, at the request of the Public Trustee, issue and deliver to the Public Trustee a certificate showing the Public Trustee as owner of the property or, if the holder does not issue certificates of ownership, other evidence of ownership satisfactory to the Public Trustee, and the change of ownership shall be recorded in the records of the holder.

ownership

11. The Public Trustee shall cause a notice in the pre-Public Public Pub scribed form to be published annually in *The Ontario Gazette*, Trustee listing the names of, and other prescribed information relating to, the owners of unclaimed intangible property transferred to the Public Trustee in the previous year.

12. The owner of unclaimed intangible property trans- Right of ferred to the Public Trustee has the right to claim the property from the Public Trustee in accordance with Part V.

# PART III

#### SPECIAL RULES

**13.**—(1) A holder of intangible property shall not impose a charge against the owner of the property because the owner of the property because the owner prohibited

has failed to communicate with the holder or because there have been no transactions with respect to the property.

Exception

- (2) Subsection (1) does not apply if the charge is authorized under any Act or if there is a written contract between the holder and the owner pursuant to which the holder may impose the charge and,
  - (a) the holder regularly imposes such charges; and
  - (b) the holder does not regularly reverse or otherwise cancel such charges after imposing them.

Limit

(3) Despite subsection (2), a charge mentioned in subsection (1) that exceeds the prescribed amount is void.

Deemed charge

(4) For the purposes of this section, ceasing to make payment of interest shall be deemed to be the imposition of a charge and the amount of the unpaid interest shall be deemed to be the amount of the charge.

Automatic renewal of deposits

**14.**—(1) For the purposes of paragraph 4 of subsection 4 (2), the automatic renewal of a demand deposit, savings deposit or matured time deposit with a financial organization does not prevent the commencement of the period of time.

Exception

(2) Subsection (1) does not apply if the owner of the deposit communicated with the bank or financial organization at or about the time of renewal to consent to the renewal.

Travellers' cheques and money orders

- 15. Ontario does not have the right to unclaimed intangible property represented by a traveller's cheque, money order or similar written instrument unless.
  - (a) the records of the issuer show that the traveller's cheque, money order or similar written instrument was purchased in the Province; or
  - (b) the issuer has its principal place of business in the Province and the records of the issuer do not show that the traveller's cheque, money order or similar written instrument was purchased in another jurisdiction.

Insurance and annuity contracts

**16.**—(1) For the purposes of paragraph 5 of subsection 4 (2), an annuity contract, a life insurance contract or an endowment insurance contract not matured by proof of the death of the annuitant or the person whose life was insured according to the records of the insurer shall be deemed to be matured and the proceeds are due and payable if,

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- (a) the insurer has reasonable grounds for belief that the person has died, and the contract was in force on the date the person is believed to have died; or
- (b) the person, if alive, would have attained the limiting age under the mortality table on which the reserve for the contract is based, and the contract was in force on the date on which the person would have attained that age.

(2) Subsection (1) does not apply if, within the preceding Application three years, any person who is entitled to do so has assigned an interest in the contract, readjusted or paid premiums on the contract, borrowed from the insurer against the contract or otherwise communicated with the insurer.

17.—(1) For the purposes of paragraph 8 of subsection Shares 4 (2), a share or any other intangible ownership interest in a business organization is not unclaimed unless,

- there have been at least five consecutive dividends, distributions or other sums payable or distributable in respect of the share or other intangible ownership interest; and
- (b) at least five years have elapsed since the date when the earliest of the five consecutive dividends, distributions or other sums mentioned in clause (a) became payable or distributable and no dividend, distribution or other sum that became payable or distributable on or after that date has been claimed by the owner.
- (2) If five dividends, distributions or other sums are pay- Calculation able or distributable, the period of time for determining whether the interest is unclaimed intangible property shall be calculated from the date of payment or distribution of the first unclaimed dividend, distribution or other sum.

(3) For the purposes of this Act, a person who holds intan-Holder gible property as a transfer agent for the issuer of shares is the holder of the property only in so far as the interest of the issuer is concerned, and the issuer is the holder of the property in respect of the interest of the owner.

(4) Where a broker, depository or other fiduciary is the Application holder of a share or other intangible ownership interest and etc. has not paid or distributed to the owner the dividends, distributions or other sums payable or distributable mentioned in subsection (1) in respect of the share or interest for the period

mentioned in that subsection, the share or other interest, including the dividends, distribution or other sums payable or distributable, is unclaimed.

Retirement accounts and plans R.S.C. 1952, c. 148

**18.** Funds in a registered retirement savings plan, as defined by the *Income Tax Act* (Canada), or similar plan are not payable or distributable for the purposes of this Act until five years after the date when, under the terms of the plan, distribution of all or part of the funds is mandatory and the owner or beneficiary of the funds has not communicated with the holder in that time as evidenced by the records of the holder.

# **PART IV**

#### PUBLIC TRUSTEE

Administrator **19.** The Public Trustee is the administrator of unclaimed intangible property on behalf of Ontario.

Authority of Public Trustee **20.**—(1) Subject to this Act, the Public Trustee has and may exercise all the rights and powers related to ownership in respect of unclaimed intangible property transferred, or required to be transferred, to the Public Trustee.

Powers and duties R.S.O. 1980, c. 422

(2) The Public Trustee has in respect of this Act the powers, capacities, duties and liabilities under the *Public Trustee Act*.

Unclaimed Intangible Property Account **21.**—(1) The Public Trustee shall establish in the accounts of the Public Trustee an account to be known as the "Unclaimed Intangible Property Account".

Record

(2) The Public Trustee shall record in the Unclaimed Intangible Property Account all unclaimed intangible property transferred to the Public Trustee and the disposition of the property.

Fees and expenses

**22.** The Public Trustee is entitled to charge against the Unclaimed Intangible Property Account the expenses of administration approved by the Management Board of Cabinet in respect of property received and administered under this Act.

Transfer to Treasurer of Ontario **23.**—(1) The Public Trustee shall transfer to the Treasurer of Ontario at the close of each fiscal year for deposit into the Consolidated Revenue Fund the balance remaining recorded in the Unclaimed Intangible Property Account.

(2) The Public Trustee may retain out of the moneys to be Reserve transferred a reasonable reserve, in an amount approved by the Treasurer of Ontario, against future claims and expenses against the Account.

(3) If the amount held in the Account, together with the Insufficient reserve retained under subsection (2), is insufficient to meet claims against it, the Treasurer of Ontario may pay from the Consolidated Revenue Fund to the credit of the Account such sum as is, in the opinion of the Treasurer, sufficient to meet the claims that cannot be satisfied from it.

# PART V

#### **CLAIMS**

24. A person claiming an interest in unclaimed intangible Filing of property transferred to the Public Trustee may file a claim with the Public Trustee in the prescribed form.

25. The Public Trustee shall consider and respond in Response to writing to each claim within ninety days after the claim is filed.

26.—(1) If a claim is allowed, the Public Trustee shall Return of transfer to the claimant the intangible property transferred to property the Public Trustee or, if the property has been sold by the Public Trustee, the net proceeds of the sale.

intangible

(2) The Public Trustee is entitled to be paid by the person Expenses and to whom intangible property is transferred under subsection (1) or to retain out of the net proceeds of sale the expenses and prescribed fees of the Public Trustee.

(3) Expenses and fees mentioned in subsection (2) shall be Idem deposited in the Unclaimed Intangible Property Account.

27.—(1) If unclaimed intangible property in respect of Interest which a claim is allowed was interest-bearing to the owner on the date of transfer to the Public Trustee, the Public Trustee shall pay to the claimant an amount in respect of interest calculated at the lesser of the prescribed rate or the rate the property was earning immediately before transfer to the Public Trustee.

(2) If unclaimed intangible property in respect of which a Idem claim is allowed is transferred to the Public Trustee in a form other than money, the Public Trustee also shall pay to the claimant any dividend, interest or other increment realized or accrued on the property from the date the property was trans-

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ferred to the Public Trustee to and including the date the property was converted into money and thereafter shall pay an amount in respect of interest in accordance with subsection (1).

Calculation of interest

(3) Interest begins to accrue on the date when the unclaimed intangible property is transferred to the Public Trustee, in the case of money, and, in the case of property other than money, on the date when the property was converted into money, and ceases on the earlier of the expiration of ten years after that date or the date on which the property is transferred to the owner.

Liability

**28.**—(1) A holder who transfers property to the Public Trustee for the purposes of this Act in good faith is relieved of all liability to the extent of the value of the property paid or transferred for any claim in respect of the property.

Indemnity

(2) Subject to subsection (3), if a holder transfers property to the Public Trustee in good faith and thereafter another person claims the property from the person who was the holder or another jurisdiction claims the property under its laws relating to escheat or unclaimed property, the Public Trustee, upon proof of the claim, will indemnify the person who was the holder as to the claim and legal costs.

Conditions

- (3) The Public Trustee is not required to pay an indemnity unless the person who was the holder,
  - (a) gives to the Public Trustee written notice of the claim forthwith after becoming aware of the claim;
  - (b) takes no action that would prejudice any settlement of the claim by the Public Trustee and takes no action that would prejudice any defence of the claim or any appeal in relation thereto; and
  - (c) assists (except monetarily) the Public Trustee in such manner as may be reasonably necessary to settle the claim or as may be reasonably necessary in defence of the claim or in any appeal in relation thereto.

Rights of Public Trustee

(4) Upon receipt of a written notice from a person who was a holder, the Public Trustee may defend or contest the claim to which the notice relates and the Public Trustee may exercise and make any defence that the person could make.

Claim for appreciation in value

**29.** No person has the right to a claim against the Crown, the Public Trustee, the holder, or a transfer agent, a registrar

or other person acting for or on behalf of a holder for any appreciation in the value of unclaimed intangible property occurring after transfer by the holder to the Public Trustee.

**30.**—(1) Upon application, a court of competent jurisdic- Determition may determine the rights of a claimant under this Part.

nation of rights by

(2) An application under subsection (1) shall not be commenced before the expiry of the period of time within which the Public Trustee is required to respond to a claim under this Part.

**31.**—(1) A court that determines an application respecting Costs property transferred to the Public Trustee under this Act may award costs to be paid out of the value of the property.

(2) The court shall not award costs against the Public Exception Trustee or the holder who transferred the property to the Public Trustee.

(3) Subsection (2) does not apply if the court determines Application that the Public Trustee or the holder who transferred the property to the Public Trustee failed to act in accordance with this Act or the regulations and the failure to act prejudiced the interest of the owner of the property.

# **PART VI**

# INSPECTION

32. The Public Trustee may appoint in writing one or Appointment of inspectors more persons as inspectors.

33. An inspector may at any reasonable time, without a Entry warrant, enter the business premises of a holder of intangible property to make an inspection for the purposes of this Act and the regulations.

34. Upon an inspection, an inspector has the right to Inspection examine the business records of the holder to determine whether the holder is complying with this Act and the regulations.

35.—(1) Every holder of intangible property whose busi- Co-operation ness records are the subject of an inspection shall co-operate fully with the inspector, including,

(a) permitting the inspector to enter all premises where the holder keeps business records;

- Bill 86
  - (b) producing to the inspector the holder's business records;
  - (c) permitting the inspector to examine the holder's business records and providing such assistance as is requested by the inspector; and
  - (d) providing to the inspector information requested by the inspector in respect of the holder's business records and in respect of intangible property held by the holder for any other person.

Employees

(2) Every employee of a business organization whose business records are the subject of an inspection also shall provide the co-operation specified in subsection (1).

Powers of inspection

- (3) Upon an inspection under this section, the inspector,
  - (a) has the right to inspect the premises and the operations carried out on the premises;
  - (b) has the right to free access, at any reasonable time, to all books of account, documents, correspondence and records, including all records that are relevant to the purposes of the inspection, regardless of the form or medium in which such records are kept, but, if such books, documents, correspondence or records are kept in a form or medium that is not legible, the inspector is entitled to require the person apparently in charge of them to produce a legible physical copy for examination by the inspector;
  - (c) has the right to remove, upon giving a receipt therefor and showing the certificate of appointment issued by the Public Trustee, any material referred to in clause (b) that relates to the purposes of the inspection for the purpose of making a copy thereof, provided that the material is promptly returned to the person apparently in charge of the premises from which the material was removed; and
  - (d) may question a person on matters that are or may be relevant to an inspection under this Act, subject to the person's right to have counsel or some other representative present during the examination.

Obstruction

**36.** No person shall hinder, obstruct or fail to co-operate with an inspector carrying out an inspection.

**37.**—(1) An inspector may apply to a justice of the peace Application for a warrant if a holder of intangible property, or a person believed to be a holder of intangible property,

- (a) denies an inspector entry to the holder's business premises;
- (b) instructs an inspector to leave the holder's business premises:
- (c) obstructs an inspector carrying out an inspection; or
- (d) fails to co-operate with an inspector carrying out an inspection.
- (2) A justice of the peace may issue a warrant in the pre- Issuance of scribed form if satisfied on evidence upon oath or affirmation,

- (a) that there is reasonable ground for believing that it is necessary to enter any business premises and to examine a holder's business records for the purposes of this Act; and
- (b) that an inspector has been denied entry, instructed to leave, obstructed or refused production of any business record.
- (3) A warrant under this section authorizes the inspector, Action under and any person acting under the direction of the inspector, to enter the business premises of the holder named in the warrant, to examine the holder's business records and, upon giving a receipt therefor, to remove the business records or any part of them for the purpose of making copies by force, if necessary, together with such police officer or officers as they call upon to assist them.

(4) A warrant issued under this section shall be executed at Execution of reasonable times as specified in the warrant.

warrant

(5) A warrant issued under this section shall state the date Expiry of on which it expires, which shall be a date not later than fifteen days after the warrant is issued.

(6) A justice of the peace may receive and consider an Notice of application for a warrant under this section without notice to and in the absence of a representative of the holder whose records are to be inspected.

application

# **PART VII**

#### **MISCELLANEOUS**

Failure to report

**38.**—(1) Every person who fails, without reasonable excuse, to file a report as required by this Act and the regulations shall pay a penalty of not more than \$500 for each day or part of a day on which the failure occurs or continues.

Failure to transfer (2) Every person who fails, without reasonable excuse, to transfer unclaimed intangible property to the Public Trustee when required by this Act and the regulations shall pay a penalty in an amount equal to 10 per cent of the value of the unclaimed intangible property.

Interest

(3) Every person who fails, without reasonable excuse, to transfer unclaimed intangible property to the Public Trustee when required by this Act and the regulations shall pay a penalty in an amount equal to interest at the prescribed rate on the value of the property calculated from the date when the person should have transferred the property to the Public Trustee to and including the date on which the property is transferred to the Public Trustee.

Payment

(4) Every penalty under subsection (1), (2) or (3) shall be paid to the Public Trustee and shall form part of the Unclaimed Intangible Property Account.

Order

(5) Upon application by the Public Trustee, a court of competent jurisdiction may order a person to pay a penalty that the person owes under subsection (1), (2) or (3).

Application to court

**39.** Upon application by the Public Trustee, a court of competent jurisdiction may order a holder of unclaimed intangible property to transfer the property to the Public Trustee in accordance with this Act and the regulations.

Copies

**40.** A copy of any business record related to an inspection and purporting to be certified by an inspector is admissible in evidence in any action, application or prosecution as proof, in the absence of evidence to the contrary, of the original.

Retention of property

**41.** Every person who is required to file a report with the Public Trustee in respect of intangible property shall preserve the records relating to the property for the prescribed period of time.

Offences

**42.**—(1) Every person who obstructs or hinders an inspector carrying out or attempting to carry out an inspection under this Act is guilty of an offence.

- (2) Every person who participates in, assents to or Idem acquiesces in the making of an incorrect statement or omission in a report or return under this Act or the regulations is guilty of an offence.
- (3) Every person who fails to preserve a record in accord-Records ance with this Act or the regulations is guilty of an offence.
- (4) Every director or officer of a body corporate that is Director or guilty of an offence under this Act who authorizes, permits or acquiesces in the offence is guilty of an offence.

43. Every person who is guilty of an offence under this Penalty Act is liable on conviction to a fine of not more than \$5,000 or, if the person is a body corporate, to a fine of not more than \$25,000 for every day or part of a day on which the offence occurs or continues.

**44.**—(1) A provision of an agreement to recover or assist Compenin recovering unclaimed intangible property that provides for compensation or for payment of expenses, or for both, is not valid in respect of that part of the compensation or expenses, or both, that exceeds 20 per cent of the value of the property.

(2) Despite the existence of an agreement to recover or Public assist in recovering unclaimed intangible property, the Public Trustee has the right to transfer property or to make payment, or both, directly to the owner of the property.

**45.** Despite the *Freedom of Information and Protection of Privacy Act, 1987*, the Public Trustee shall provide to officials 1987, c. 25 of the Ministry of Treasury and Economics such records and information as they request for the purposes of developing policies for the Province of Ontario.

- **46.** The Lieutenant Governor in Council may make regu-Regulations lations.
  - prescribing any matter referred to in this Act as prescribed;
  - (b) respecting the times within which holders of unclaimed intangible property shall report thereon to the Public Trustee:
  - requiring that reports to the Public Trustee respecting unclaimed intangible property be accompanied by certificates verifying their accuracy and completeness as reflecting the records of the holder

making the report, prescribing the forms of such reports and by whom such reports shall be signed;

- (d) exempting holders of unclaimed intangible property of prescribed classes or of less than the prescribed value from reporting the names and addresses of the owners of the property to the Public Trustee;
- (e) exempting kinds or classes of property from the application of this Act or the regulations;
- (f) exempting classes of persons from reporting or transferring property under this Act or the regulations;
- (g) respecting the records that shall be kept by the Public Trustee in respect of property transferred to the Public Trustee under this Act;
- (h) respecting the publication of notices by the Public Trustee listing property paid or transferred to the Public Trustee under this Act;
- (i) respecting the fees and expenses that may be charged by the Public Trustee for the care and administration of property under this Act;
- (j) prescribing rules and conditions for determining when intangible property is or is not in Ontario for the purposes of this Act;
- (k) prescribing the time when and the circumstances in which intangible property not mentioned in section 4 becomes unclaimed;
- (1) prescribing for the purposes of subsection 5 (1) an amount other than \$100.

Transitional

**47.**—(1) The periods of time set out in this Act for calculating when intangible property becomes unclaimed apply in respect of periods of time before as well as after the coming into force of this Act.

Void provisions (2) Every provision of any by-law, letters patent or articles of incorporation or association or in any other similar instrument, whether made before or after the coming into force of this Act, that extinguishes or forfeits an owner's interest in intangible property before it is to be transferred to the Public Trustee under this Act is void.

(3) Subsection (2) does not apply in respect of the extin- Exception guishment or forfeiture of an owner's interest in intangible property before a date that is ten years before the date on which this Act comes into force.

(4) This Act applies despite the provisions of any other Act Conflict with that, after the coming into force of this Act, extinguish or make unenforceable an owner's interest in intangible property or limit the commencement or continuation of any action or proceeding with respect to the owner's interest in intangible property.

(5) Subject to this section, this Act does not revive the Interest not interest of an owner in intangible property if that interest has, before the 18th day of May, 1989, been extinguished or made unenforceable unless,

- (a) on or after that date, the financial or other records of the holder show the entitlement of the owner to that interest: or
- (b) the holder regularly waives the extinguishment or unenforceability of such interests.
- 48. This Act comes into force on a day to be named by Commenceproclamation of the Lieutenant Governor.
- 49. The short title of this Act is the Unclaimed Intangible Short title Property Act, 1989.







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2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill87

## An Act to amend the Education Act

Mrs. Cunningham



1st Reading

December 5th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

The purpose of the Bill is to update the terminology used in the Act with respect to developmentally disabled children and pupils.

Bill 87 1989

## An Act to amend the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Paragraph 68 of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - 68. "trainable developmentally disabled child" or "trainable developmentally disabled pupil" means an exceptional pupil whose intellectual functioning is below the level at which the pupil could profit from a special education program for educable developmentally disabled pupils.
  - 2. The said Act is amended by,
    - (a) striking out "trainable retarded child" wherever it occurs and inserting in lieu thereof "trainable developmentally disabled child"; and
    - (b) striking out "trainable retarded pupil" wherever it occurs and inserting in lieu thereof "trainable developmentally disabled pupil".
- 3. This Act comes into force on the day it receives Royal Commence-Assent.
- **4.** The short title of this Act is the *Education Amendment* Short title Act. 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill88

# An Act to regulate Alarm Systems

Mr. McLean



1st Reading

December 5th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The purpose of the Bill is to regulate alarm systems installed on real property.

The Bill establishes a licensing system for persons engaged in the business of providing alarm services and persons employed as alarm installers. The Bill provides for investigations regarding the suitability of persons applying for licences and investigations of complaints against persons providing alarm services.

In addition, the Bill prohibits the sale of alarm systems not meeting minimum technical standards and requires occupiers of real property on which an alarm system is installed to notify the local police of the installation.

The Bill establishes a system of fines for false alarms that cause the unnecessary response of the police, a fire department or an ambulance service. Higher fines are specified for subsequent false alarms occurring within twelve months of a first false alarm. The Bill also permits a court to order the disconnection of an alarm system after the third false alarm within any twelve-month period.

Bill 88 1989

## An Act to regulate Alarm Systems

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, Definitions

- "alarm installer" means a person who installs, maintains or repairs alarm systems while employed by a person engaged in the business of providing alarm services;
- "alarm services" means services involving the installation, maintenance or repair of alarm systems;
- "alarm system" means a device or series of devices installed on real property for the purpose of detecting an emergency that requires a response by the police, a fire department or an ambulance service;
- "licence" means a licence under this Act;
- "licensee" means the holder of a licence under this Act;
- "prescribed" means prescribed by the regulations;
- "Registrar" means the Registrar under the *Private Investiga* R.S.O. 1980, tors and Security Guards Act;
- "regulations" means the regulations made under this Act.
- **2.**—(1) No person shall engage in the business of providing alarm services unless the person holds a licence for that purpose.
- (2) No person shall act as an alarm installer unless the per- Idem son is licensed for that purpose.
- (3) No person shall hold out as acting as an alarm installer Holding out or as being engaged in the business of providing alarm services unless the person is licensed under this Act.

Application for licence

**3.**—(1) A person may apply to the Registrar for a licence to engage in the business of providing alarm services or a licence to act as an alarm installer.

Idem

(2) An application for a licence shall be made on the form supplied by the Registrar and shall be accompanied by the prescribed fees.

Employer to ensure employees licensed (3) No person engaged in the business of providing alarm services shall employ as an alarm installer a person who is not the holder of a licence.

Address for service **4.**—(1) Every applicant for a licence shall state in the application an address for service in Ontario.

Notice of change in address

(2) Every person licensed to engage in the business of providing alarm services shall within five days notify the Registrar in writing of any change in the person's address for service or in the address of any place at which the person carries on business.

Service

(3) All notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address given under this section.

Investigation of applicant

**5.**—(1) The Registrar or any person authorized by the Registrar may make such inquiry and investigation as he or she considers sufficient regarding the character, financial position and competence of an applicant or licensee and may require an applicant to try such examinations to determine competence as the Registrar considers necessary.

Verification

(2) The Registrar may require verification by statutory declaration of any information or material submitted in relation to an application.

Issuance of licence

**6.**—(1) The Registrar shall issue a licence or renewal of a licence if, in the opinion of the Registrar, the proposed licensing is not against the public interest.

Conditions attaching to licence

(2) A licence is subject to such conditions as may be imposed by the Registrar or The Commercial Registration Appeal Tribunal or as may be prescribed.

Transfers

**7.** A licence is not transferable.

Expiry of licences

**8.** Every licence and renewal of a licence expires on the 31st day of March in each year.

- **9.**—(1) Every applicant for renewal of a licence shall, on Renewals or before the 1st day of March in each year, apply to the Registrar for the renewal of the licence.
- (2) An application for renewal of a licence shall be made Idem on the form supplied by the Registrar and be accompanied by the prescribed fees.

10. Subject to section 11, the Registrar may suspend or Suspension revoke a licence if, revocation of

(a) the licensee is convicted of an offence under the Criminal Code (Canada) or under this Act; R.S.C. 1985,

(b) the licensee is in breach of a term or condition of the licence; or

(c) in the opinion of the Registrar, to do so is in the public interest.

11.—(1) If the Registrar proposes to refuse to issue or Proposal renew a licence, proposes to impose conditions on a licence or proposes to suspend or revoke a licence, the Registrar shall serve notice of the proposal, together with written reasons therefor, on the applicant or the licensee.

(2) A notice under subsection (1) shall inform the applicant Notice or licensee that the applicant or licensee is entitled to a hearing by The Commercial Registration Appeal Tribunal if the applicant or licensee mails or delivers to the Registrar and to the Tribunal, within fifteen days after the notice is served on the applicant or licensee, notice in writing requiring a hearing and the applicant or licensee may so require such a hearing.

(3) If an applicant or licensee does not require a hearing by No hearing the Tribunal, the Registrar may carry out the proposal stated in the notice to the applicant or licensee.

- (4) If an applicant or licensee requires a hearing, the Hearing Tribunal shall appoint a time for and hold a hearing.
- (5) After holding a hearing, the Tribunal may by order Order direct the Registrar to carry out the proposal or refrain from carrying out the proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions

(6) The Tribunal may attach such conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Parties

(7) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Records and information

**12.** Every person engaged in the business of providing alarm services shall maintain such records and information as are prescribed.

Complaints

13. If the Registrar receives a complaint in respect of the carrying on of the business of providing alarm services and so requests in writing, the person carrying on the business shall furnish the Registrar with such records or information respecting the matter complained of as the Registrar may require.

Technical standards—prohibition

**14.** No person shall offer for sale, sell or lease an alarm system not meeting the prescribed technical standards for alarm systems.

Notice to local police force of alarm system

- **15.** The occupier of real property on which an alarm system is installed shall give notice of the installation to the police force having jurisdiction in the area where the property is located,
  - (a) within ninety days after the day this Act comes into force, if the alarm system was installed before that day; or
  - (b) within thirty days after the date of installation, if the alarm system is installed on or after the day this Act comes into force.

False alarm—offence

**16.**—(1) The occupier of real property on which an alarm system is installed is guilty of an offence if the alarm system is activated, whether intentionally or not, when there is no emergency requiring response by the police, a fire department or an ambulance service and there is a response to the alarm by the police, a fire department or an ambulance service.

Penalty

- (2) On conviction for an offence under subsection (1), the convicted person is liable to a fine of,
  - (a) not more than \$500 for the first offence within any twelve-month period;

- (b) not less than \$250 and not more than \$1,000 for the second offence within any twelve-month period; or
- (c) not less than \$500 and not more than \$2,000 for the third offence or any further subsequent offence within any twelve-month period.
- (3) In convicting a person of a third offence or any further Disconnecsubsequent offence under subsection (1) within any twelvemonth period, a court may, in addition to the fine imposed under subsection (2), order the disconnection of the alarm system relating to the offence.

## **17.**—(1) Every person who,

Offences

- knowingly furnishes false information in any application under this Act or in any statement required to be furnished under this Act:
- (b) fails to comply with any order, direction or other requirement made under this Act;
- (c) contravenes a condition of a licence; or
- (d) contravenes subsection 2 (1), (2), (3), 3 (3) or 4 (2) or section 13, 14 or 15,

is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

- (2) If a corporation is convicted of an offence under sub- Corporations section (1), the maximum penalty that may be imposed is \$25,000 and not as provided therein.
- 18.—(1) The Lieutenant Governor in Council may make Regulations regulations,
  - (a) exempting any person or class of persons from any provision of this Act or the regulations;
  - (b) prescribing fees for licences and the renewal of licences:
  - (c) prescribing conditions that attach to a licence;
  - (d) prescribing records and information to be kept by licensees;
  - (e) prescribing technical standards for alarm systems;

- (f) requiring licensees to maintain liability insurance and prescribing the amount thereof;
- (g) requiring licensees to be bonded;
- (h) prescribing the amount, form and terms of bonds;
- (i) providing for the forfeiture of bonds and the disposition of the proceeds on forfeiture.

Adoption of codes by reference

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and may require compliance with any code or standard adopted.

Scope of regulations

(3) A regulation may be general or particular in its application.

Commencement **19.** This Act comes into force on the day it receives Royal Assent.

Short title

**20.** The short title of this Act is the *Alarm Systems Act*, 1989.

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2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# **Bill 89**

## An Act to amend the Labour Relations Act

Mr. Mackenzie



1st Reading
2nd Reading

3rd Reading

Royal Assent

December 5th, 1989

#### **EXPLANATORY NOTE**

The purpose of the Bill is to prevent the hiring of strike breakers and to control access to a work premises that is affected by a strike or lock-out. The Bill prohibits an employer from hiring or using the services of a person to do the work of an employee who is on strike or locked out unless that person is specifically authorized to do so. Similarly, when a picket line is established at a place of access to a work premises, access is limited to persons specifically authorized by the Bill. The Bill repeals a provision of the Act dealing with professional strike breakers and strike-related misconduct.

**Bill 89** 1989

## An Act to amend the Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Labour Relations Act, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

**67a.**—(1) In this section,

Definitions

- "employer" includes an employers' organization and a person acting on behalf of an employer or an employers' organization:
- "legal picket line" means a moving formation of two or more persons who are members of a certified bargaining unit and who by means of signs or posters give notice that the certified bargaining unit is on strike or locked out.
- (2) No employer shall employ or use the services of any Unlawful person to perform the work of an employee who is exercising a legal right to strike or who is locked out unless,

- (a) the person ordinarily exercises managerial or supervisory functions and was a full-time employee of the employer on the day the strike or lock-out commenced: or
- (b) the person is authorized to perform the work by agreement between the employer and representatives of the certified bargaining unit that is on strike or locked out
- (3) If a legal picket line is formed in support of a lawful Unlawful strike or lock-out at a place of access to a work premises, no person shall enter the premises unless,
  - (a) the person ordinarily exercises managerial and supervisory functions;

- (b) the person is a member of a certified bargaining unit that is not on strike or locked out and is not engaged in performing the work of an employee who is on strike or locked out;
- (c) the person is a non-union employee who was a fulltime employee of the employer on the day the strike or lock-out was commenced and is not engaged in performing the work of an employee who is on strike or locked out;
- (d) the person requires access to the work premises for the purpose of providing emergency services;
- (e) the person is authorized to enter the work premises by agreement between the employer and representatives of the bargaining unit that is on strike or locked out.

Duty of police officer

(4) If a picket line is formed in support of a lawful strike or lock-out at a place of access to a work premises, it is the duty of every police officer stationed at that place to ensure that no person other than a person authorized under subsection (3) enters the work premises.

Trespass

(5) A person who enters the work premises contrary to subsection (3) or who, upon gaining entry, performs work contrary to subsection (2), commits a trespass and is liable to proceedings under the *Trespass to Property Act*.

R.S.O. 1980, c. 511

2. Section 71a of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 42, section 1, is repealed.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Labour Relations Amendment Act*, 1989.

2nd SESSION, 34th LEGISLATURE, ONTARIO

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38 ELIZABETH II, 1989

# Bill90

# An Act to amend the Municipal Act and certain other Acts related to Municipalities

The Hon. J. Sweeney Minister of Municipal Affairs



1st Reading

December 6th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

SECTIONS 2, 5 and 8 to 19. Amendments are made to the *Municipal Act*, the *Municipality of Metropolitan Toronto Act*, the *District Municipality of Muskoka Act* and each regional Act to achieve the following:

- Municipalities may compute sewer or water rates on any basis that they consider appropriate.
- Sewer or water rates may be established to recover both capital and operating costs.
- 3. The requirement for Ontario Municipal Board approval of sewer or water rates for capital purposes is eliminated. Approval of the O.M.B. would still be required if a capital project requires long-term financing.
- 4. All land is subject to sewer or water charges even though it may be exempt from taxation under the *Assessment Act*, unless specifically exempted by the municipality.
- 5. Municipalities may apportion future charges in respect of water works rates or sewer rates among the new owners where land is subdivided or severed.

Amendments to the Municipal Act.

**SECTION 1.** The proposed amendment to section 116 of the *Municipal Act* would allow municipalities and their local boards to use photocopied or microfilmed copies of records for the purpose of complying with a record retention by-law passed under clause 116 (1) (b) of that Act.

**SECTION 3.—Subsection 1.** Each regional, metropolitan and district corporation and the County of Oxford is given the power to enter into agreements respecting the joint management of matters under paragraph 5 of section 208 of the *Municipal Act*.

**Subsection 2.** The proposed amendments to paragraph 55 of section 208 broaden the power to impose a parking lot levy on land that receives a benefit therefrom.

SECTION 4.—Subsections 1 to 4. The proposed amendments to section 210 would broaden the powers of municipalities in respect of animal control. The municipality could require the owners of domestic animals to use an animal identification system including tagging, tattooing or microchip implantation. The requirement that dogs be leashed is made to apply in respect of all land in the municipality. Currently, this requirement applies only to land municipally-owned. The proposed paragraph 6c would allow municipalities to require the muzzling or leashing of a dog that has bitten a person or domestic animal. The proposed paragraph 6d would permit different fees for licensing dogs depending on the gender of the dogs, the number of dogs per household and whether a dog has been spayed or neutered. The proposed paragraph 6e would allow municipalities to establish clinics for the spaying or neutering of dogs and cats and to charge fees for these services. The proposed paragraph 6f continues existing authority for by-laws to prohibit dogs from running at large and for impounding and killing dogs so found.

**Subsection 5.** The amendment to paragraph 117 of section 210 clarifies that municipalities have the power to pass by-laws prohibiting or regulating the parking or stopping of vehicles on highways.

Subsections 6 and 7. The proposed changes to paragraph 125 of section 210 would require that a municipal council train and supervise persons appointed as municipal law enforcement officers who are not employees of the municipality. The re-enactment of clause (f) of subparagraph ii of paragraph 125 provides that oral or written evidence of a police officer or municipal law enforcement officer respecting whether the owner of prop-

erty consented to a vehicle being left on that property is admissible in any court. A document signed by the owner attesting to the lack of consent is similarly admissible.

**SECTION 6.** The proposed amendment would permit different fees for parking meters on highways depending on their location.

**SECTION 7.** The proposed section 499a would permit the Lieutenant Governor in Council to make regulations respecting the impounding and killing of dogs running at large in areas without municipal organization. An owner who allows his or her dog to run at large contrary to the regulations would be guilty of an offence.

Amendments to the Dog Owners' Liability Act.

**SECTION 20.** Consequential amendments are made to the *Dog Owners' Liability Act* to reflect the changes made in the *Municipal Act*. A new section 5 to the *Dog Owners' Liability Act* creates an offence if an owner of a dog does not take reasonable precautions to prevent the dog from biting or attacking a person or domestic animal.

Amendments to the Evidence Act.

**SECTION 21.** Section 31 of the *Evidence Act*, as it now reads, allows the federal and provincial governments to submit true copies of entries in books of account as evidence if the required conditions have been met. The proposed re-enactment would make this provision also applicable to municipalities.

The amendment to subsection 34 (4) would give municipalities the same rights as other governments in respect of the admissibility of documents destroyed before the expiration of six years as set out in subsection 34 (3).

Amendment to the Dog Licensing and Live Stock and Poultry Protection Act.

**SECTION 22.** The provisions respecting dog licensing are repealed as the subject-matter is transferred to the *Municipal Act* under section 4 of the Bill.



**Bill 90** 1989

## An Act to amend the Municipal Act and certain other Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 116 of the Municipal Act, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:
- (6) Notwithstanding any other provision of this section, a by-law or resolution passed under this section may provide that a photographic copy of a receipt, voucher, instrument, roll or other document, record or paper shall be deemed to be the original thereof for the purposes of the by-law or resolution if the original has been destroyed in accordance with this section or the by-law or resolution.

Photographic copies

(7) Nothing in this section renders admissible in evidence a Admissibility copy of a receipt, voucher, instrument, roll or other document, record or paper that is not otherwise admissible by statute or the law of evidence.

- 2. Subsection 160a (2) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 50, section 19, is repealed and the following substituted therefor:
- (2) Real property occupied by a non-profit hospital service Tax corporation and used chiefly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but, subject to subsection (2a), is not exempt from a sewer rate or water works rate imposed under subsection 218 (2) or (10) or from a sewage service rate imposed under subsection 218 (16).

(2a) The council of a municipality that imposed the rate Exemption may pass a by-law exempting the property exempted from taxation for municipal and school purposes under subsection (2)

from all or part of the rate based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works.

- **3.**—(1) Paragraph 5 of section 208 of the said Act is amended by adding thereto the following clause:
  - (a) Each regional, metropolitan and district municipality and the County of Oxford may make by-laws for the purpose of this paragraph.
- (2) Clause (h) of paragraph 55 of the said section 208 is repealed and the following substituted therefor:

Change in area receiving benefit

- (h) If a by-law imposing a levy under clause (g) is in effect and the council is of the opinion that,
  - (i) there has been an increase in special benefit derived from the parking facilities by a parcel of land in the defined area against which a portion of the cost has been levied,
  - (ii) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit from the parking facilities, or
  - (iii) a parcel of land outside the defined area has begun to derive a special benefit from the parking facilities,

the council may by by-law passed with the approval of the Municipal Board,

- (iv) redefine the areas in the municipality that contain the lands that derive a special benefit from the by-law, and
- (v) amend the schedule to the by-law imposing the special levy so as to reapportion the costs against each parcel of land in the defined areas that derive a special benefit.

Rates

(i) A by-law passed under this paragraph may establish parking rates which vary according to the location of the land, building or structure used for parking.

Removal of vehicle (j) A by-law passed under this paragraph may provide for the removal or impounding, at the owner's expense, of any vehicle parked or left contrary to the by-law. (k) Subsection 147 (13) of the Highway Traffic Act Application applies with necessary modifications to a by-law passed under this paragraph.

R.S.O. 1980,

## 4.—(1) Section 210 of the said Act is amended by adding thereto the following paragraph:

4a. For providing for animal identification systems includ- Animal ing tagging, tattooing or microchip implantation and for system requiring owners to identify their domestic animals by those systems and for charging such fees as may be set out in the bylaw in respect of the identification system.

- (2) Paragraph 6a of the said section 210, as enacted by the Statutes of Ontario, 1987, chapter 10, section 21, is repealed and the following substituted therefor:
- 6a. For requiring, within any defined areas of the munici- Leashing of pality, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

- (a) In this paragraph and in paragraphs 6b, 6c, 6d and 6f, "owner" of a dog includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor.
- (3) Paragraph 6b of the said section 210, as enacted by the Statutes of Ontario, 1987, chapter 10, section 21, is amended by striking out "any person who owns or harbours" in the first line and inserting in lieu thereof "an owner of".
- (4) The said section 210 is further amended by adding thereto the following paragraphs:
- 6c. For requiring the muzzling or leashing of a dog after it Muzzling and has bitten a person or a domestic animal, but the owner of the dogs dog may request and is entitled to a hearing by the council or a committee thereof or the animal control official of the municipality if so delegated by council, which or who may exempt the owner from the muzzling or leasing requirement, or both.

6d. For licensing and regulating and requiring the registra- Licensing of tion of dogs and for imposing a licence fee on the owners of them including the imposition of a higher fee in the case of female dogs or for each additional dog or female dog where

more than one is owned by any one person or in any one household and a lower fee in the case of dogs that are at least six months old that have been spayed or neutered.

- (a) On payment of the licence fee, the owner shall be furnished with a dog tag.
- (b) The owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting in the bush.
- (c) A tag shall bear a serial number and the year in which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.
- (d) Instead of furnishing the owner with a dog tag under clause (a), the council may require an owner to identify the dog under a by-law enacted under paragraph 4a.
- (e) If a by-law is passed under this paragraph, the owner of a kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) shall pay an annual licence fee fixed by the by-law as a licence fee for the kennel instead of a licence fee for each dog.

35-36-37 Eliz. II, c. 13 (Can.)

Clinics

6e. The council may by by-law establish clinics for the spaying or neutering of dogs and cats and may charge such fees as may be set out in the by-law.

Dogs running at large

- 6f. For prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the bylaw, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.
  - (a) A dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.
  - (b) A by-law under this paragraph may establish procedures for the voluntary payment of penalties out of court in cases where it is alleged that the by-law

respecting dogs running at large has been contravened and, if payment is not made in accordance with the procedures, the fine is recoverable under the Provincial Offences Act.

R.S.O. 1980.

- (5) Paragraph 117 of the said section 210 is amended by adding thereto the following clause:
  - (a) A by-law passed under this paragraph may prohibit or regulate the parking, standing or stopping of vehicles, or any class thereof, on highways or any part of a highway, and such by-law may classify vehicles according to size or weight.
- (6) Clause (d) of subparagraph ii of paragraph 125 of the said section 210, as re-enacted by the Statutes of Ontario, 1987, chapter 10, section 21, is repealed and the following substituted therefor:
  - (d) If a municipal council has appointed a person who is not an employee of the municipality as a municipal law enforcement officer under section 70 of the Police Act for enforcing a by-law under this para- R.S.O. 1980. graph, the municipal council shall ensure that the person is properly trained to perform the duties arising out of the appointment and is properly supervised by an employee of the municipality having regard to the nature of those duties.

- (i) In this clause, "employee" means an employee as defined in paragraph 46 of section 208.
- (7) Clause (f) of subparagraph ii of paragraph 125 of the said section 210 is repealed and the following substituted therefor:
  - (f) If it is alleged in a proceeding that a by-law passed under this paragraph has been contravened, the oral or written evidence of a police officer, police cadet or municipal law enforcement officer is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in respect of.
    - (i) the ownership or occupancy of the property,
    - (ii) the absence of the consent of the owner or occupant, and

(iii) whether any person is an owner under subsubclause (g) (i) (E) or an occupant under sub-subclause (g) (ii) (D).

R.S.O. 1980, c. 145

- (fa) A document offered as evidence under clause (f) shall be admitted without notice under the *Evidence Act*.
- 5.—(1) Subsection 218 (2) of the said Act is repealed and the following substituted therefor:

Sewer, water works rate

- (2) The council of a local municipality, in authorizing the construction of sewage works or water works may by by-law impose a sewer rate or water works rate upon owners or occupants of land who derive or will or may derive a benefit therefrom sufficient to pay all or such portion of the capital costs of the works as the by-law may specify.
- (2) Subsection 218 (7) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 25, is further amended by adding thereto the following clauses:
  - (f) A fixed charge for each parcel of land, comprising the land designated under subsection (4), which is a parcel separately assessed according to the last returned assessment roll.
  - (g) Any other method which the council considers to be fair.
- (3) Subsection 218 (8) of the said Act is amended by adding at the end thereof "(f) or (g)".
- (4) Subsection 218 (10) of the said Act is amended by striking out "passed with the approval of the Municipal Board" in the eleventh and twelfth lines.
- (5) Subsection 218 (14) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 25, is repealed and the following substituted therefor:

Rate structure

- (14) The council of a local municipality for the purposes of subsections (2) and (10) may,
  - (a) establish a sewer rate structure or a water works rate structure upon which the sewer rate or water works rate shall be calculated having regard to differences in the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed on a fair basis; and

- (b) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate on a fair basis.

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- (6) Section 218 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 25 and 1988, chapter 31, section 9, is further amended by adding thereto the following subsection:
- (15a) If a council has commuted a sewer rate or water Commutation works rate under subsection (15) and subsequently amends the rating by-law establishing the rate to which the commutation applies, the council shall in its amendment provide for the application of the same commutation to the amended rates.

continued

- (7) Subsection 218 (18) of the said Act is amended by striking out "and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the Assessment Act" in the eleventh, twelfth, thirteenth and fourteenth lines.
- (8) The said section 218 is further amended by adding thereto the following subsections:
- (18a) If a council does not impose a sewage service rate Equivalent under subsection (16), it may by by-law include as part of a sewers sewer rate imposed under subsection (2) or (10) a charge which could otherwise be imposed as a sewage service rate.

(18b) If a council does not impose a water rate, it may by Idem, water by-law include as part of a water works rate imposed under subsection (2) or (10) a charge which could otherwise be imposed as a water rate.

- (9) Subsection 218 (22) of the said Act is repealed and the following substituted therefor:
- (22) No property is exempt from a sewer rate or a water Exemption works rate imposed under subsection (2) or (10) or from a sewage service rate imposed under subsection (16) by reason only that it is exempt from taxation under the Assessment Act R.S.O. 1980. but the council of a local municipality may by by-law exempt any property or class of property from all or part of the rate based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works.

from rates

(10) The said section 218 is further amended by adding thereto the following subsections:

Apportionment

- (23) Notwithstanding any other provision, if a new part or parcel of land is created within an existing part or parcel of land in respect of which a sewer rate or water works rate has been imposed under this section,
  - (a) the council of a local municipality may impose the rate on each new part or parcel; and
  - (b) the revenue from the sewer rate or water works rate imposed under this subsection, if not required for payment of any part of the outstanding capital cost of the sewage works or water works, shall be used only for future capital improvements of the sewage works or water works.

Notice

(24) The clerk of the municipality shall give the owners of the parts into which the land is divided at least fourteen days notice by mail of the time and place the council will determine the rates under subsection (23).

Basis of decision

(25) The council in determining the rates shall have regard to the effect of the sewage works or water works on each part into which the parcel of land is divided and such other matters as it considers appropriate.

Decision final

(26) The decision of the council with respect to the imposition of rates under subsection (23) is final.

Order to be filed with the clerk

(27) The order imposing the rate shall be filed with the clerk and thereafter the rates shall be imposed and collected in accordance with the order.

Existing by-

- (28) Subsection (22) does not affect a sewer rate, water works rate or sewage service rate by-law in force on the day that this subsection comes into force.
- **6.** Paragraph 8 of section 315 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 24, section 12, is further amended by adding thereto the following clause:
  - (b) A fee prescribed by a by-law under this paragraph may vary according to the location of the highway or part of a highway on which parking meters or devices are located.
- **7.** Part XXIII of the said Act is amended by adding thereto the following section:

Regulations respecting dogs running at large **499a.**—(1) The Lieutenant Governor in Council may make regulations for prohibiting or regulating the running at

large of dogs in territory without municipal organization or in any defined area thereof, for seizing and impounding, and for killing, whether before or after impounding, dogs running at large contrary to the regulations, and for selling dogs so impounded at such time and in such manner as may be provided in the regulations.

(2) A dog shall be deemed to be running at large when Deeming found on any place other than the premises of the owner and not under the control of any person.

provision

(3) Every owner of a dog who allows it to run at large con-Offence trary to the regulations made under this section is guilty of an offence.

- 8.—(1) Subsection 24 (2) of the District Municipality of Muskoka Act, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (2) Section 24 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 65, section 3, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the District Corporation provisions of in the imposition of a rate under subsection (2) or (4).

of certain R.S.O. 1980.

(17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the District Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Clause 25 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 25 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 25 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the District Corporation provisions of

of certain R.S.O. 1980. c. 302

in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the District Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- **9.**—(1) Subsection 36 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Surcharge on water rates

(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section.

Idem

- (1a) The surcharge shall be deemed not to be revenue of the waterworks system under section 39 and shall be spent on the collection, treatment and disposal of sewage and land drainage received from the area municipalities.
- (2) The said Act is amended by adding thereto the following sections:

Combined

**36a.** The Metropolitan Council may by by-law impose a single combined rate for all or some of the charges which could otherwise be recovered as a rate, charge or surcharge under section 34, 35 or 36.

Application of certain provisions of R.S.O. 1980, c. 302

- **36b.** Subsections 218 (22) to (28) of the *Municipal Act* apply with necessary modifications to the Metropolitan Council in the imposition of a rate, charge or surcharge under section 30, 34, 35, 36 or 36a.
- (3) Subsection 57 (1) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (4) Subsection 57 (3) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (5) Subsection 61 (3) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (6) The said Act is further amended by adding thereto the following section:

61a. The Metropolitan Council may by by-law impose a Combined single combined rate for the charges which could otherwise be recovered as a charge under section 57 or a rate under section 61.

- 10.—(1) Subsection 52 (2) of the Regional Municipality of Durham Act, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 52 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 1, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

of certain provisions of R.S.O. 1980,

- (17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 53 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 53 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 53 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

R.S.O. 1980.

- (18) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- 11.—(1) Subsection 74 (2) of the Regional Municipality of Haldimand-Norfolk Act, being chapter 435 of the Revised

Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.

(2) Section 74 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 4, is further amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(16) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Idem

- (17) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 75 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 75 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 75 of the said Act is amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(17) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- **12.**—(1) Subsection 85 (2) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 85 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 7, is further amended by adding thereto the following subsections:

(16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

R.S.O. 1980,

(17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Clause 86 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 86 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the first and second lines.
- (5) Section 86 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

provisions of R.S.O. 1980.

(18) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- **13.**—(1) Subsection 96 (2) of the Regional Municipality of Hamilton-Wentworth Act, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 96 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 10, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Application provisions of R.S.O. 1980. c. 302

(17) Subsections 218 (23) to (27) of the Municipal Act apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to

an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Clause 97 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 97 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 97 of the said Act is amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(17) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- **14.**—(1) The *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

Combined rate

**33a.** The Regional Council may by by-law impose a single combined rate which could otherwise be recovered as a charge under section 32 or a rate under section 33.

Application of certain provisions of R.S.O. 1980, c. 302

- **33b.** Subsections 218 (22) to (28) of the *Municipal Act* apply with necessary modifications to the Regional Council in the imposition of a rate or charge imposed under section 28, 32, 33 or 33a.
- (2) Clause 53 (2) (b) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the first line.
- (3) The said Act is further amended by adding thereto the following sections:

Combined

**57a.** The Regional Council may by by-law impose a single combined rate for all or some of the charges which could

otherwise be recovered as a rate or charge under section 53 or 57.

**57b.**—(1) Subsections 218 (22) and (28) of the Municipal Application Act apply with necessary modifications to the Regional Council in the imposition of a rate or charge under section 53, R.S.O. 1980. 57 or 57a.

(2) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Council with respect to the imposition of a rate or charge under section 53 or 57a.

- **15.**—(1) Subsection 31 (2) of the Regional Municipality of Ottawa-Carleton Act, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (2) Section 31 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 16, is further amended by adding thereto the following subsections:
- (14) Subsections 218 (22) and (28) of the Municipal Act apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Application of certain provisions of R.S.O. 1980. c. 302

(15) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Subsection 39 (1) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (4) Subsection 39 (2) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (5) Subsection 39 (4) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the second and third lines.
- (6) Subsection 39 (5) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 49, section 17, is repealed.
- (7) The said Act is amended by adding thereto the following section:

Combined

- **43a.** The Regional Council may by by-law impose a single combined rate for the charges which could otherwise be recovered as a rate under section 39 or 43.
- **16.**—(1) Subsection 80 (2) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 80 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 22, is further amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(16) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Idem

- (17) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 81 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 81 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 81 of the said Act is amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(17) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- **17.**—(1) Subsection 25 (2) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of

Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.

- (2) Section 25 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 24, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

of certain provisions of R.S.O. 1980, c. 302

- (17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 26 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 26 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 26 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection R.S.O. 1980. (2) or (4).

provisions of

(18) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- **18.**—(1) The Regional Municipality of Waterloo Act, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:
- 32a. The Regional Council may by by-law impose a single Combined combined rate for the charges which could otherwise be recovered as a charge under section 31 or a rate under section 32.

Application of certain provisions of R.S.O. 1980, c. 302

- **32b.** Subsections 218 (22) to (28) of the *Municipal Act* apply with necessary modifications to the Regional Council in the imposition of a rate or charge under section 27, 31, 32 or 32a.
- (2) Clause 52 (3) (b) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the first line.
- (3) The said Act is further amended by adding thereto the following sections:

Combined rate

**52a.** The Regional Council may by by-law impose a single combined rate for all or some of the charges which could otherwise be recovered as a rate under section 52.

Application of certain provisions of R.S.O. 1980, c. 302

**52b.**—(1) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Council in the imposition of a rate or charge under section 52.

Idem

- (2) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Council with respect to the imposition of a rate under subsection 52 (1) and to an area municipality with respect to the imposition of a charge under clause 52 (3) (c).
- 19.—(1) Subsection 26 (2) of the Regional Municipality of York Act, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (2) Subsection 26 (3) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (3) Subsection 26 (5) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (4) The said Act is amended by adding thereto the following sections:

Combined rate

**33a.** The Regional Council may by by-law impose a single combined rate for all or some of the charges which could otherwise be recovered as a rate or charge under section 26, 32 or 33.

Application of certain provisions of R.S.O. 1980,

**33b.** Subsections 218 (22) to (28) of the *Municipal Act* apply with necessary modifications to the Regional Council in

the imposition of a rate or charge under section 28, 32, 33 or 33a.

- (5) Subsection 53 (1) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (6) Subsection 53 (2) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (7) Subsection 53 (4) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (8) The said Act is further amended by adding thereto the following section:
- 57a. The Regional Council may by by-law impose a single Combined combined rate for the charges which could otherwise be recovered as a charge under section 53 or a rate under section 57.

- **20.**—(1) Subsection 2 (1) of the *Dog Owners' Liability Act*, being chapter 124 of the Revised Statutes of Ontario, 1980, is amended by adding at the end thereof "or domestic animal".
- (2) Subsection 4 (1) of the said Act is amended by inserting after "person" in the second line "or domestic animal".
- (3) Subsection 4 (2) of the said Act is amended by inserting after "person" in the second line "or domestic animal".
- (4) The said Act is amended by adding thereto the following section:
- 5.—(1) The owner of a dog shall exercise reasonable pre-Owner to cautions to prevent the dog from biting or attacking a person or domestic animal.

prevent dogs attacking

- (2) An owner who contravenes subsection (1) is guilty of an Offence offence.
- **21.**—(1) Section 31 of the *Evidence Act*, being chapter 145 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 31.—(1) In this section, "municipality" means a regional, Definition metropolitan or district municipality, the County of Oxford, a county, city, town, village, township or improvement district.

Entries in books

- (2) A copy of an entry in a book of account kept by a municipality or in a department of the Government of Canada or of Ontario shall be received as *prima facie* evidence of such entry and of the matters, transactions and accounts recorded therein, if it is proved by the oath or affidavit of an officer of the municipality or of the department,
  - (a) that the book was, at the time of the making of the entry, one of the ordinary books kept by the municipality or in the department;
  - (b) that the entry was apparently, and as the deponent believes, made in the usual and ordinary course of business of the municipality or department; and
  - (c) that such copy is a true copy thereof.
- (2) Subsection 34 (4) of the said Act is amended by inserting after "Canada" in the second line "or a municipality as defined in subsection 31 (1)".
- **22.** Sections 1, 2, 3, 4, 5, 6 and 7 of the *Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 123, are repealed.

Commencement **23.**—(1) This Act, except subsections 4 (4) and (6) and sections 7 and 22, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 (4) and sections 7 and 22 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsection 4 (6) comes into force six months after the day this Act receives Royal Assent.

Short title

**24.** The short title of this Act is the *Municipal Statute Law Amendment Act*, 1989.

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# **Bill 90**

(Chapter 84 Statutes of Ontario, 1989)

# An Act to amend the Municipal Act and certain other Acts related to Municipalities

The Hon. J. Sweeney Minister of Municipal Affairs



1st Reading December 6th, 1989

2nd Reading December 14th, 1989

3rd Reading December 19th, 1989

Royal Assent December 19th, 1989



**Bill 90** 1989

## An Act to amend the Municipal Act and certain other Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 116 of the Municipal Act, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:
- (6) Notwithstanding any other provision of this section, a by-law or resolution passed under this section may provide that a photographic copy of a receipt, voucher, instrument, roll or other document, record or paper shall be deemed to be the original thereof for the purposes of the by-law or resolution if the original has been destroyed in accordance with this section or the by-law or resolution.

Photographic copies

(7) Nothing in this section renders admissible in evidence a Admissibility copy of a receipt, voucher, instrument, roll or other document, record or paper that is not otherwise admissible by statute or the law of evidence.

- 2. Subsection 160a (2) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 50, section 19, is repealed and the following substituted therefor:
- (2) Real property occupied by a non-profit hospital service Tax corporation and used chiefly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but, subject to subsection (2a), is not exempt from a sewer rate or water works rate imposed under subsection 218 (2) or (10) or from a sewage service rate imposed under subsection 218 (16).

(2a) The council of a municipality that imposed the rate Exemption may pass a by-law exempting the property exempted from taxation for municipal and school purposes under subsection (2)

from all or part of the rate based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works.

- 3.—(1) Paragraph 5 of section 208 of the said Act is amended by adding thereto the following clause:
  - (a) Each regional, metropolitan and district municipality and the County of Oxford may make by-laws for the purpose of this paragraph.
- (2) Clause (h) of paragraph 55 of the said section 208 is repealed and the following substituted therefor:

Change in area receiving benefit

- (h) If a by-law imposing a levy under clause (g) is in effect and the council is of the opinion that,
  - (i) there has been an increase in special benefit derived from the parking facilities by a parcel of land in the defined area against which a portion of the cost has been levied,
  - (ii) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit from the parking facilities, or
  - (iii) a parcel of land outside the defined area has begun to derive a special benefit from the parking facilities,

the council may by by-law passed with the approval of the Municipal Board,

- (iv) redefine the areas in the municipality that contain the lands that derive a special benefit from the by-law, and
- (v) amend the schedule to the by-law imposing the special levy so as to reapportion the costs against each parcel of land in the defined areas that derive a special benefit.

Rates

(i) A by-law passed under this paragraph may establish parking rates which vary according to the location of the land, building or structure used for parking.

Removal of vehicle

(j) A by-law passed under this paragraph may provide for the removal or impounding, at the owner's expense, of any vehicle parked or left contrary to the by-law. (k) Subsection 147 (13) of the Highway Traffic Act Application applies with necessary modifications to a by-law R.S.O. 1980. passed under this paragraph.

#### 4.—(1) Section 210 of the said Act is amended by adding thereto the following paragraph:

4a. For providing for animal identification systems includ- Animal ing tagging, tattooing or microchip implantation and for system requiring owners to identify their domestic animals by those systems and for charging such fees as may be set out in the bylaw in respect of the identification system.

- (2) Paragraph 6a of the said section 210, as enacted by the Statutes of Ontario, 1987, chapter 10, section 21, is repealed and the following substituted therefor:
- 6a. For requiring, within any defined areas of the munici- Leashing of pality, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

- (a) In this paragraph and in paragraphs 6b, 6c, 6d and 6f, "owner" of a dog includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor.
- (3) Paragraph 6b of the said section 210, as enacted by the Statutes of Ontario, 1987, chapter 10, section 21, is amended by striking out "any person who owns or harbours" in the first line and inserting in lieu thereof "an owner of".
- (4) The said section 210 is further amended by adding thereto the following paragraphs:
- 6c. For requiring the muzzling or leashing of a dog after it Muzzling and has bitten a person or a domestic animal, but the owner of the dogs dog may request and is entitled to a hearing by the council or a committee thereof or the animal control official of the municipality if so delegated by council, which or who may exempt the owner from the muzzling or leasing requirement, or both.

6d. For licensing and regulating and requiring the registra- Licensing of tion of dogs and for imposing a licence fee on the owners of them including the imposition of a higher fee in the case of female dogs or for each additional dog or female dog where

more than one is owned by any one person or in any one household and a lower fee in the case of dogs that are at least six months old that have been spayed or neutered.

- (a) On payment of the licence fee, the owner shall be furnished with a dog tag.
- (b) The owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting in the bush.
- (c) A tag shall bear a serial number and the year in which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.
- (d) Instead of furnishing the owner with a dog tag under clause (a), the council may require an owner to identify the dog under a by-law enacted under paragraph 4a.
- (e) If a by-law is passed under this paragraph, the owner of a kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) shall pay an annual licence fee fixed by the by-law as a licence fee for the kennel instead of a licence fee for each dog.

35-36-37 Eliz. II, c. 13 (Can.)

Clinics

6e. The council may by by-law establish clinics for the spaying or neutering of dogs and cats and may charge such fees as may be set out in the by-law.

Dogs running at large

- of. For prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the bylaw, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.
  - (a) A dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.
  - (b) A by-law under this paragraph may establish procedures for the voluntary payment of penalties out of court in cases where it is alleged that the by-law

respecting dogs running at large has been contravened and, if payment is not made in accordance with the procedures, the fine is recoverable under the Provincial Offences Act.

R.S.O. 1980.

- (5) Paragraph 117 of the said section 210 is amended by adding thereto the following clause:
  - (a) A by-law passed under this paragraph may prohibit or regulate the parking, standing or stopping of vehicles, or any class thereof, on highways or any part of a highway, and such by-law may classify vehicles according to size or weight.
- (6) Clause (d) of subparagraph ii of paragraph 125 of the said section 210, as re-enacted by the Statutes of Ontario, 1987, chapter 10, section 21, is repealed and the following substituted therefor:
  - (d) If a municipal council has appointed a person who is not an employee of the municipality as a municipal law enforcement officer under section 70 of the Police Act for enforcing a by-law under this para-R.S.O. 1980, graph, the municipal council shall ensure that the person is properly trained to perform the duties arising out of the appointment and is properly supervised by an employee of the municipality having regard to the nature of those duties.

- (i) In this clause, "employee" means employee as defined in paragraph 46 of section 208.
- (7) Clause (f) of subparagraph ii of paragraph 125 of the said section 210 is repealed and the following substituted therefor:
  - If it is alleged in a proceeding that a by-law passed under this paragraph has been contravened, the oral or written evidence of a police officer, police cadet or municipal law enforcement officer is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in respect of.
    - (i) the ownership or occupancy of the property,
    - (ii) the absence of the consent of the owner or occupant, and

(iii) whether any person is an owner under subsubclause (g) (i) (E) or an occupant under sub-subclause (g) (ii) (D).

R.S.O. 1980, c. 145

- (fa) A document offered as evidence under clause (f) shall be admitted without notice under the *Evidence Act*.
- 5.—(1) Subsection 218 (2) of the said Act is repealed and the following substituted therefor:

Sewer, water works rate

- (2) The council of a local municipality, in authorizing the construction of sewage works or water works may by by-law impose a sewer rate or water works rate upon owners or occupants of land who derive or will or may derive a benefit therefrom sufficient to pay all or such portion of the capital costs of the works as the by-law may specify.
- (2) Subsection 218 (7) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 25, is further amended by adding thereto the following clauses:
  - (f) A fixed charge for each parcel of land, comprising the land designated under subsection (4), which is a parcel separately assessed according to the last returned assessment roll.
  - (g) Any other method which the council considers to be fair.
- (3) Subsection 218 (8) of the said Act is amended by adding at the end thereof "(f) or (g)".
- (4) Subsection 218 (10) of the said Act is amended by striking out "passed with the approval of the Municipal Board" in the eleventh and twelfth lines.
- (5) Subsection 218 (14) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 25, is repealed and the following substituted therefor:

Rate structure

- (14) The council of a local municipality for the purposes of subsections (2) and (10) may,
  - (a) establish a sewer rate structure or a water works rate structure upon which the sewer rate or water works rate shall be calculated having regard to differences in the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed on a fair basis; and

- (b) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate on a fair basis.
- (6) Section 218 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 25 and 1988, chapter 31, section 9, is further amended by adding thereto the following subsection:
- (15a) If a council has commuted a sewer rate or water Commutation works rate under subsection (15) and subsequently amends the rating by-law establishing the rate to which the commutation applies, the council shall in its amendment provide for the application of the same commutation to the amended rates.

- (7) Subsection 218 (18) of the said Act is amended by striking out "and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the Assessment Act" in the eleventh, twelfth, thirteenth and fourteenth lines.
- (8) The said section 218 is further amended by adding thereto the following subsections:
- (18a) If a council does not impose a sewage service rate Equivalent under subsection (16), it may by by-law include as part of a sewers sewer rate imposed under subsection (2) or (10) a charge which could otherwise be imposed as a sewage service rate.

(18b) If a council does not impose a water rate, it may by Idem, water by-law include as part of a water works rate imposed under subsection (2) or (10) a charge which could otherwise be imposed as a water rate.

- (9) Subsection 218 (22) of the said Act is repealed and the following substituted therefor:
- (22) No property is exempt from a sewer rate or a water Exemption works rate imposed under subsection (2) or (10) or from a sewage service rate imposed under subsection (16) by reason only that it is exempt from taxation under the Assessment Act R.S.O. 1980, but the council of a local municipality may by by-law exempt any property or class of property from all or part of the rate based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works.

(10) The said section 218 is further amended by adding thereto the following subsections:

Apportion-

- (23) Notwithstanding any other provision, if a new part or parcel of land is created within an existing part or parcel of land in respect of which a sewer rate or water works rate has been imposed under this section,
  - (a) the council of a local municipality may impose the rate on each new part or parcel; and
  - (b) the revenue from the sewer rate or water works rate imposed under this subsection, if not required for payment of any part of the outstanding capital cost of the sewage works or water works, shall be used only for future capital improvements of the sewage works or water works.

Notice

(24) The clerk of the municipality shall give the owners of the parts into which the land is divided at least fourteen days notice by mail of the time and place the council will determine the rates under subsection (23).

Basis of decision

(25) The council in determining the rates shall have regard to the effect of the sewage works or water works on each part into which the parcel of land is divided and such other matters as it considers appropriate.

Decision final

(26) The decision of the council with respect to the imposition of rates under subsection (23) is final.

Order to be filed with the clerk

(27) The order imposing the rate shall be filed with the clerk and thereafter the rates shall be imposed and collected in accordance with the order.

Existing bylaws

- (28) Subsection (22) does not affect a sewer rate, water works rate or sewage service rate by-law in force on the day that this subsection comes into force.
- 6. Paragraph 8 of section 315 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 24, section 12, is further amended by adding thereto the following clause:
  - (b) A fee prescribed by a by-law under this paragraph may vary according to the location of the highway or part of a highway on which parking meters or devices are located.
- 7. Part XXIII of the said Act is amended by adding thereto the following section:

Regulations respecting dogs running at large

**499a.**—(1) The Lieutenant Governor in Council may make regulations for prohibiting or regulating the running at

large of dogs in territory without municipal organization or in any defined area thereof, for seizing and impounding, and for killing, whether before or after impounding, dogs running at large contrary to the regulations, and for selling dogs so impounded at such time and in such manner as may be provided in the regulations.

(2) A dog shall be deemed to be running at large when Deeming found on any place other than the premises of the owner and not under the control of any person.

(3) Every owner of a dog who allows it to run at large con-Offence trary to the regulations made under this section is guilty of an offence.

- **8.**—(1) Subsection 24 (2) of the District Municipality of Muskoka Act, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (2) Section 24 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 65, section 3, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the District Corporation in the imposition of a rate under subsection (2) or (4).

of certain provisions of R.S.O. 1980,

(17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the District Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Clause 25 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 25 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 25 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the District Corporation

of certain provisions of R.S.O. 1980, c. 302

in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the District Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- 9.—(1) Subsection 36 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Surcharge on water rates (1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section.

Idem

- (1a) The surcharge shall be deemed not to be revenue of the waterworks system under section 39 and shall be spent on the collection, treatment and disposal of sewage and land drainage received from the area municipalities.
- (2) The said Act is amended by adding thereto the following sections:

Combined rate

**36a.** The Metropolitan Council may by by-law impose a single combined rate for all or some of the charges which could otherwise be recovered as a rate, charge or surcharge under section 34, 35 or 36.

Application of certain provisions of R.S.O. 1980, c. 302

- **36b.** Subsections 218 (22) to (28) of the *Municipal Act* apply with necessary modifications to the Metropolitan Council in the imposition of a rate, charge or surcharge under section 30, 34, 35, 36 or 36a.
- (3) Subsection 57 (1) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (4) Subsection 57 (3) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (5) Subsection 61 (3) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (6) The said Act is further amended by adding thereto the following section:

61a. The Metropolitan Council may by by-law impose a Combined single combined rate for the charges which could otherwise be recovered as a charge under section 57 or a rate under section 61.

- **10.**—(1) Subsection 52 (2) of the Regional Municipality of Durham Act, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 52 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 1, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

provisions of R.S.O. 1980,

- (17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 53 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 53 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 53 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection R.S.O. 1980, (2) or (4).

- (18) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- 11.—(1) Subsection 74 (2) of the Regional Municipality of Haldimand-Norfolk Act, being chapter 435 of the Revised

Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.

(2) Section 74 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 4, is further amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(16) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Idem

- (17) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 75 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 75 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 75 of the said Act is amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(17) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- 12.—(1) Subsection 85 (2) of the Regional Municipality of Halton Act, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 85 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 7, is further amended by adding thereto the following subsections:

(16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

of certain provisions of R.S.O. 1980,

(17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Clause 86 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 86 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the first and second lines.
- (5) Section 86 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

provisions of R.S.O. 1980,

(18) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- 13.—(1) Subsection 96 (2) of the Regional Municipality of Hamilton-Wentworth Act, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 96 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 10, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Application of certain provisions of R.S.O. 1980, c. 302

(17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to

an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Clause 97 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 97 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 97 of the said Act is amended by adding thereto the following subsections:

Application of certain provisions of c. 302

(17) Subsections 218 (22) and (28) of the Municipal Act apply with necessary modifications to the Regional Corpora-R.S.O. 1980, tion in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the Municipal Act apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- **14.**—(1) The Regional Municipality of Niagara Act, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

Combined

**33a.** The Regional Council may by by-law impose a single combined rate which could otherwise be recovered as a charge under section 32 or a rate under section 33.

Application of certain provisions of R.S.O. 1980, c. 302

- **33b.** Subsections 218 (22) to (28) of the Municipal Act apply with necessary modifications to the Regional Council in the imposition of a rate or charge imposed under section 28, 32, 33 or 33a.
- (2) Clause 53 (2) (b) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the first line.
- (3) The said Act is further amended by adding thereto the following sections:

Combined

**57a.** The Regional Council may by by-law impose a single combined rate for all or some of the charges which could otherwise be recovered as a rate or charge under section 53 or

**57b.**—(1) Subsections 218 (22) and (28) of the *Municipal Application* Act apply with necessary modifications to the Regional provisions of Council in the imposition of a rate or charge under section 53, R.S.O. 1980, 57 or 57a.

(2) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Council with respect to the imposition of a rate or charge under section 53 or 57a.

- **15.**—(1) Subsection 31 (2) of the Regional Municipality of Ottawa-Carleton Act, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (2) Section 31 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 16, is further amended by adding thereto the following subsections:
- (14) Subsections 218 (22) and (28) of the Municipal Act apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Application of certain provisions of R.S.O. 1980, c. 302

(15) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- (3) Subsection 39 (1) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (4) Subsection 39 (2) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (5) Subsection 39 (4) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the second and third lines.
- (6) Subsection 39 (5) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 49, section 17, is repealed.
- (7) The said Act is amended by adding thereto the following section:

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Combined rate

- **43a.** The Regional Council may by by-law impose a single combined rate for the charges which could otherwise be recovered as a rate under section 39 or 43.
- 16.—(1) Subsection 80 (2) of the Regional Municipality of Peel Act, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.
- (2) Section 80 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 22, is further amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(16) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

Idem

- (17) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 81 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 81 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 81 of the said Act is amended by adding thereto the following subsections:

Application of certain provisions of R.S.O. 1980, c. 302

(17) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection (2) or (4).

Idem

- (18) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- 17.—(1) Subsection 25 (2) of the Regional Municipality of Sudbury Act, being chapter 441 of the Revised Statutes of

Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fourth line.

- (2) Section 25 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 24, is further amended by adding thereto the following subsections:
- (16) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate under subsection (2) or (4).

provisions of R.S.O. 1980, c. 302

- (17) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).
- (3) Clause 26 (2) (a) of the said Act is repealed and the following substituted therefor:
  - (a) by imposing a surcharge on the water rate collectable in the same manner as water rates.
- (4) Clause 26 (2) (b) of the said Act is amended by striking out "with the approval of the Municipal Board" in the second line.
- (5) Section 26 of the said Act is amended by adding thereto the following subsections:
- (17) Subsections 218 (22) and (28) of the Municipal Act Application apply with necessary modifications to the Regional Corporation in the imposition of a rate or surcharge under subsection R.S.O. 1980, (2) or (4).

(18) Subsections 218 (23) to (27) of the Municipal Act apply Idem with necessary modifications to the Regional Corporation with respect to the imposition of a rate or surcharge under subsection (2) and to an area municipality with respect to the imposition of a rate under subsection (4).

- **18.**—(1) The Regional Municipality of Waterloo Act, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:
- 32a. The Regional Council may by by-law impose a single Combined combined rate for the charges which could otherwise be recovered as a charge under section 31 or a rate under section 32.

Application of certain provisions of R.S.O. 1980, c. 302

- **32b.** Subsections 218 (22) to (28) of the *Municipal Act* apply with necessary modifications to the Regional Council in the imposition of a rate or charge under section 27, 31, 32 or 32a.
- (2) Clause 52 (3) (b) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the first line.
- (3) The said Act is further amended by adding thereto the following sections:

Combined rate

**52a.** The Regional Council may by by-law impose a single combined rate for all or some of the charges which could otherwise be recovered as a rate under section 52.

Application of certain provisions of R.S.O. 1980, c. 302

**52b.**—(1) Subsections 218 (22) and (28) of the *Municipal Act* apply with necessary modifications to the Regional Council in the imposition of a rate or charge under section 52.

Idem

- (2) Subsections 218 (23) to (27) of the *Municipal Act* apply with necessary modifications to the Regional Council with respect to the imposition of a rate under subsection 52 (1) and to an area municipality with respect to the imposition of a charge under clause 52 (3) (c).
- 19.—(1) Subsection 26 (2) of the Regional Municipality of York Act, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (2) Subsection 26 (3) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (3) Subsection 26 (5) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (4) The said Act is amended by adding thereto the following sections:

Combined rate

**33a.** The Regional Council may by by-law impose a single combined rate for all or some of the charges which could otherwise be recovered as a rate or charge under section 26, 32 or 33.

Application of certain provisions of R.S.O. 1980, c. 302

**33b.** Subsections 218 (22) to (28) of the *Municipal Act* apply with necessary modifications to the Regional Council in

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- the imposition of a rate or charge under section 28, 32, 33 or 33a.
- (5) Subsection 53 (1) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fifth line.
- (6) Subsection 53 (2) of the said Act is amended by striking out "with the approval of the Municipal Board" in the fourth and fifth lines.
- (7) Subsection 53 (4) of the said Act is amended by striking out "subject to the approval of the Municipal Board" in the third line.
- (8) The said Act is further amended by adding thereto the following section:
- 57a. The Regional Council may by by-law impose a single Combined combined rate for the charges which could otherwise be recovered as a charge under section 53 or a rate under section 57.

- **20.**—(1) Subsection 2 (1) of the *Dog Owners' Liability Act*, being chapter 124 of the Revised Statutes of Ontario, 1980, is amended by adding at the end thereof "or domestic animal".
- (2) Subsection 4 (1) of the said Act is amended by inserting after "person" in the second line "or domestic animal".
- (3) Subsection 4 (2) of the said Act is amended by inserting after "person" in the second line "or domestic animal".
- (4) The said Act is amended by adding thereto the following section:
- 5.—(1) The owner of a dog shall exercise reasonable pre-Owner to cautions to prevent the dog from biting or attacking a person from or domestic animal.

attacking

- (2) An owner who contravenes subsection (1) is guilty of an Offence offence.
- **21.**—(1) Section 31 of the *Evidence Act*, being chapter 145 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **31.**—(1) In this section, "municipality" means a regional, Definition metropolitan or district municipality, the County of Oxford, a county, city, town, village, township or improvement district.

Entries in books

- (2) A copy of an entry in a book of account kept by a municipality or in a department of the Government of Canada or of Ontario shall be received as *prima facie* evidence of such entry and of the matters, transactions and accounts recorded therein, if it is proved by the oath or affidavit of an officer of the municipality or of the department,
  - (a) that the book was, at the time of the making of the entry, one of the ordinary books kept by the municipality or in the department;
  - (b) that the entry was apparently, and as the deponent believes, made in the usual and ordinary course of business of the municipality or department; and
  - (c) that such copy is a true copy thereof.
- (2) Subsection 34 (4) of the said Act is amended by inserting after "Canada" in the second line "or a municipality as defined in subsection 31 (1)".
- 22. Sections 1, 2, 3, 4, 5, 6 and 7 of the *Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 123 of the Revised Statutes of Ontario, 1980, are repealed.

Commencement 23.—(1) This Act, except subsections 4 (4) and (6) and sections 7 and 22, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 (4) and sections 7 and 22 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsection 4 (6) comes into force six months after the day this Act receives Royal Assent.

Short title

24. The short title of this Act is the Municipal Statute Law Amendment Act, 1989.





2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill91

## An Act to amend the Legislative Assembly Act

The Hon. C. Ward

Government House Leader and Minister of Government Services



1st Reading
2nd Reading

December 7th, 1989

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The Bill increases indemnities and allowances by 5.5 per cent.

An additional indemnity is provided in the legislation for chairs of select committees, vice-chairs of standing and select committees, the chair of the caucus of each party, the Deputy House Leader of the party recognized as the Official Opposition and the Deputy House Leader of any other party having at least twelve members.

The additional indemnity of the following members is increased:

- 1. The House Leader of any party, other than the Government and the Official Opposition, having at least twelve members.
- 2. The Chief Whip of the Official Opposition.
- 3. The Chief Whip of any party, other than the Government and the Official Opposition, having at least twelve members.

Bill 91 1989

## An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 60 (1) and (2) of the Legislative Assembly Act, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 1, are repealed and the following substituted therefor:
- (1) An indemnity at the rate of \$43,374 per annum shall be Members' paid to every member of the Assembly.
- (2) An allowance for expenses at the rate of \$14,548 per Members' annum shall be paid to every member of the Assembly.
- 2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 2, is repealed and the following substituted therefor:
- **61.** In addition to the indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses,
  - (a) to the Premier, at the rate of \$8,185 per annum;
  - (b) to the Leader of the Opposition, at the rate of \$5,458 per annum; and
  - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,728 per annum.
- **3.** Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 3, is repealed and the following substituted therefor:

Indemnity of Speaker, Leader of Opposition and leader of a minority party

- (1) In addition to the indemnity as a member, there shall be paid,
  - (a) to the Speaker an indemnity at the rate of \$23,436 per annum;
  - (b) to the Leader of the Opposition an indemnity at the rate of \$31,649 per annum; and
  - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of \$15,941.
- 4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 4, is repealed and the following substituted therefor:

Chair and deputy chairs of Whole House and chairs of committees

- (1) In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the Deputy Speaker and Chair of the Committees of the Whole House at the rate of \$9,808 per annum;
  - (b) to the Deputy Chairs of the Committees of the Whole House at the rate of \$6,813 per annum;
  - (c) to the chair of each standing and select committee at the rate of \$9,808 per annum; and
  - (d) to the vice-chair of each standing and select committee at the rate of \$5,313.
- 5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 5, is repealed and the following substituted therefor:

Whips, indemnities

- (1) In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the Chief Government Whip, at the rate of \$12,127 per annum;
  - (b) to the Deputy Government Whip, at the rate of \$8,311 per annum;
  - (c) to each of not more than three Government Whips, at the rate of \$5,995 per annum;

- (d) to the Chief Opposition Whip, at the rate of \$9,808 per annum;
- (e) to each of not more than two Opposition Whips, at the rate of \$5,995 per annum; and
- in the case of each party that has a recognized (f) membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
  - (i) to the Chief Party Whip of the party, at the rate of \$9,808, and
  - (ii) to the Party Whip of the party, at the rate of \$5,450 per annum.
- 6. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 50, section 7, 1986, chapter 72, section 6, 1988, chapter 14, section 6 and 1989, chapter 19, section 6, is further amended by striking out "\$74" as set out in the amendment of 1989 and inserting in lieu thereof "\$78" and by striking out "\$86" as set out in that amendment and inserting in lieu thereof "\$90".
- 7. The said Act is amended by adding thereto the following section:
- **68a.** In addition to the indemnity as a member, an indem-Caucus nity at the rate of \$8,311 per annum shall be paid to the chair indemnities of the caucus of every party, including the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly.

- 8. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 7, is repealed and the following substituted therefor:
- 69. In addition to the indemnity as a member, an indem-House nity shall be paid,

Leaders' indemnities

(a) to the House Leader of a party, other than the party from which the Government is chosen, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$12,127 per annum; and

(b) to the Deputy House Leader of a party referred to in clause (a), at the rate of \$5,995 per annum.

Commencement 9. This Act shall be deemed to have come into force on the 1st day of April, 1989.

Short title

10. The short title of this Act is the Legislative Assembly Amendment Act, 1989.





2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## **Bill91**

## An Act to amend the Legislative Assembly Act

The Hon. C. Ward

Government House Leader and Minister of Government Services



1st Reading

December 7th, 1989

2nd Reading

December 18th, 1989

3rd Reading

Royal Assent

(Reprinted as amended by the Committee of the Whole House)

#### **EXPLANATORY NOTES**

The Bill increases indemnities and allowances by 5.5 per cent effective April 1, 1989.

The Bill also makes the following changes in members' additional indemnities, effective January 1, 1990.

The additional indemnity of the following members is increased:

- 1. The Leader of any party, other than the Government and the Official Opposition, having at least twelve members.
- 2. The House Leader of any party, other than the Government and the Official Opposition, having at least twelve members.
- 3. The Chief Whip of the Official Opposition.
- 4. The Chief Whip of any party, other than the Government and the Official Opposition, having at least twelve members.
- 5. The chairs of standing committees.

An additional indemnity is provided for the following members:

- 1. The chairs of select committees.
- 2. The vice-chairs of standing and select committees.
- 3. The chair of the caucus of each party.
- 4. The Deputy House Leader of the party recognized as the Official Opposition and the Deputy House Leader of any other party having at least twelve members.

Bill 91 1989

### An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 1, are repealed and the following substituted therefor:
- (1) An indemnity at the rate of \$43,374 per annum shall be Members' indemnities paid to every member of the Assembly.
- (2) An allowance for expenses at the rate of \$14,548 per Members' annum shall be paid to every member of the Assembly.
- 2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 2, is repealed and the following substituted therefor:
- **61.** In addition to the indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses,
  - (a) to the Premier, at the rate of \$8,185 per annum;
  - (b) to the Leader of the Opposition, at the rate of \$5,458 per annum; and
  - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,728 per annum.
- **3.**—(1) Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 3, is repealed and the following substituted therefor:

Indemnity of Speaker, Leader of Opposition and leader of a minority party

- (1) In addition to the indemnity as a member, there shall be paid,
  - (a) to the Speaker an indemnity at the rate of \$23,436 per annum;
  - (b) to the Leader of the Opposition an indemnity at the rate of \$31,749 per annum; and
  - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of \$15,941 per annum.
- (2) Clause 62 (1) (c) of the said Act, as re-enacted by subsection (1), is amended by striking out "\$15,941" in the last line and inserting in lieu thereof "\$22,602".
- **4.**—(1) Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 4, is repealed and the following substituted therefor:

Chair and deputy chairs of Whole House and chairs of committees

- (1) In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the Deputy Speaker and Chair of the Committees of the Whole House at the rate of \$9,808 per annum;
  - (b) to the Deputy Chairs of the Committees of the Whole House at the rate of \$6,813 per annum; and
- (c) to the chair of each standing committee at the rate of \$5,313 per annum.
- (2) Subsection 64 (1) of the said Act, as re-enacted by subsection (1), is amended by striking out "and" at the end of clause (b) and by striking out clause (c) and inserting in lieu thereof the following:
  - (c) to the chair of each standing and select committee at the rate of \$8,827 per annum; and
  - (d) to the vice-chair of each standing and select committee at the rate of \$5,313 per annum.

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- 5.—(1) Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 5, is repealed and the following substituted therefor:
- (1) In addition to the indemnity as a member, an indemnity Whips, shall be paid,
  - (a) to the Chief Government Whip, at the rate of \$12,127 per annum;
  - (b) to the Deputy Government Whip, at the rate of \$8,311 per annum;
  - (c) to each of not more than three Government Whips, at the rate of \$5,995 per annum;
  - (d) to the Chief Opposition Whip, at the rate of \$8,311 per annum;
  - (e) to each of not more than two Opposition Whips, at the rate of \$5,995 per annum; and
  - in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
    - (i) to the Chief Party Whip of the party, at the rate of \$6,813 per annum, and
    - (ii) to the Party Whip of the party, at the rate of \$5,450 per annum.
- (2) Subsection 65 (1) of the said Act, as re-enacted by subsection (1), is amended by striking out "\$8,311" in the first line of clause (d) and inserting in lieu thereof "\$9,297" and by striking out "\$6,813" in the second line of subclause (f) (i) and inserting in lieu thereof "\$8,367".
- **6.** Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 50, section 7, 1986, chapter 72, section 6, 1988, chapter 14, section 6 and 1989, chapter 19, section 6, is further amended by striking out "\$74" as set out in the amendment of 1989 and inserting in lieu thereof "\$78" and by striking out "\$86" as set out in that amendment and inserting in lieu thereof "\$90".
- 7. The said Act is amended by adding thereto the following section:

Caucus chairs, indemnities

- **68a.** In addition to the indemnity as a member, an indemnity at the rate of \$8,311 per annum shall be paid to the chair of the caucus of the party from which the Government is chosen and to the chair of the caucus of the party recognized as the Official Opposition and an indemnity at the rate of \$7,480 per annum shall be paid to the chair of every other party that has a recognized membership of twelve or more persons in the Assembly.
- **8.**—(1) Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 7, is repealed and the following substituted therefor:

House Leaders' indemnities

- **69.** In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the House Leader of the party recognized as the Official Opposition, at the rate of \$12,127 per annum; and
  - (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$9,128 per annum.
- (2) Section 69 of the said Act, as re-enacted by subsection (1), is amended by striking out "and" at the end of clause (a), by striking out "\$9,128" in the last line of clause (b) and inserting in lieu thereof "\$10,345" and by adding thereto the following clauses:
  - (c) to the Deputy House Leader of the party recognized as the Official Opposition, at the rate of \$5,995 per annum; and
  - (d) to the Deputy House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$5,450 per annum.

Commencement 9.—(1) This Act, except subsections 3 (2), 4 (2) and 5 (2), section 7 and subsection 8 (2), shall be deemed to have come into force on the 1st day of April, 1989.

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- (2) Subsections 3 (2), 4 (2) and 5 (2), section 7 and subsection 8 (2) come into force on the 1st day of January, 1990.
- 10. The short title of this Act is the Legislative Assembly Short title Amendment Act, 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

Publication

# Bill91

(Chapter 85 Statutes of Ontario, 1989)

## An Act to amend the Legislative Assembly Act

The Hon, C. Ward Government House Leader and Minister of Government Services

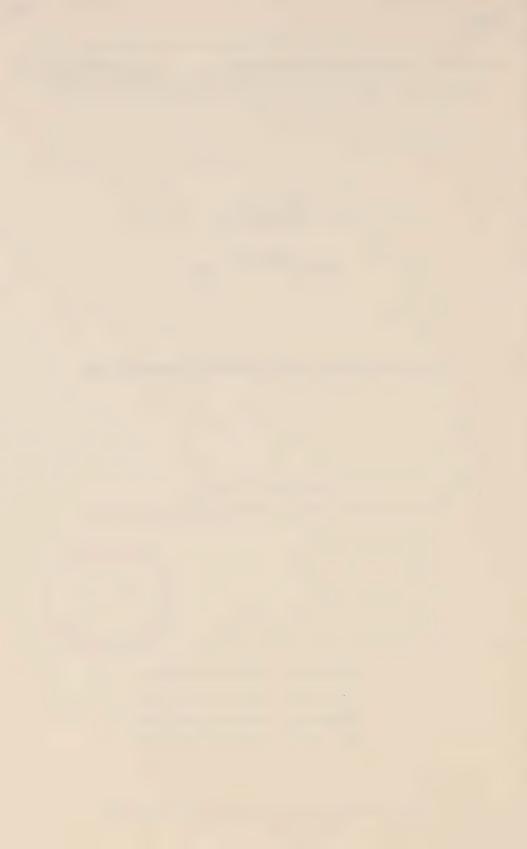


1st Reading December 7th, 1989

2nd Reading December 18th, 1989

3rd Reading December 19th, 1989

Royal Assent December 19th, 1989



Bill 91 1989

### An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 1, are repealed and the following substituted therefor:
- (1) An indemnity at the rate of \$43,374 per annum shall be Members' indemnition paid to every member of the Assembly.
- (2) An allowance for expenses at the rate of \$14,548 per Members' annum shall be paid to every member of the Assembly.
- 2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 2, is repealed and the following substituted therefor:
- **61.** In addition to the indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses,
  - (a) to the Premier, at the rate of \$8,185 per annum;
  - (b) to the Leader of the Opposition, at the rate of \$5,458 per annum; and
  - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,728 per annum.
- 3.—(1) Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 3, is repealed and the following substituted therefor:

Indemnity of Speaker, Leader of Opposition and leader of a minority party

- (1) In addition to the indemnity as a member, there shall be paid,
  - (a) to the Speaker an indemnity at the rate of \$23,436 per annum;
  - (b) to the Leader of the Opposition an indemnity at the rate of \$31,749 per annum; and
  - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of \$15,941 per annum.
- (2) Clause 62 (1) (c) of the said Act, as re-enacted by subsection (1), is amended by striking out "\$15,941" in the last line and inserting in lieu thereof "\$22,602".
- **4.**—(1) Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 4, is repealed and the following substituted therefor:

Chair and deputy chairs of Whole House and chairs of committees

- (1) In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the Deputy Speaker and Chair of the Committees of the Whole House at the rate of \$9,808 per annum;
  - (b) to the Deputy Chairs of the Committees of the Whole House at the rate of \$6,813 per annum; and
  - (c) to the chair of each standing committee at the rate of \$5,313 per annum.
- (2) Subsection 64 (1) of the said Act, as re-enacted by subsection (1), is amended by striking out "and" at the end of clause (b) and by striking out clause (c) and inserting in lieu thereof the following:
  - (c) to the chair of each standing and select committee at the rate of \$8,827 per annum; and
  - (d) to the vice-chair of each standing and select committee at the rate of \$5,313 per annum.
- 5.—(1) Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 5, is repealed and the following substituted therefor:

- (1) In addition to the indemnity as a member, an indemnity Whips, shall be paid,
  - (a) to the Chief Government Whip, at the rate of \$12,127 per annum;
  - (b) to the Deputy Government Whip, at the rate of \$8,311 per annum;
  - (c) to each of not more than three Government Whips, at the rate of \$5,995 per annum;
  - (d) to the Chief Opposition Whip, at the rate of \$8,311 per annum;
  - (e) to each of not more than two Opposition Whips, at the rate of \$5,995 per annum; and
  - (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
    - (i) to the Chief Party Whip of the party, at the rate of \$6,813 per annum, and
    - (ii) to the Party Whip of the party, at the rate of \$5,450 per annum.
- (2) Subsection 65 (1) of the said Act, as re-enacted by subsection (1), is amended by striking out "\$8,311" in the first line of clause (d) and inserting in lieu thereof "\$9,297" and by striking out "\$6,813" in the second line of subclause (f) (i) and inserting in lieu thereof "\$8,367".
- 6. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 50, section 7, 1986, chapter 72, section 6, 1988, chapter 14, section 6 and 1989, chapter 19, section 6, is further amended by striking out "\$74" as set out in the amendment of 1989 and inserting in lieu thereof "\$78" and by striking out "\$86" as set out in that amendment and inserting in lieu thereof "\$90".
- 7. The said Act is amended by adding thereto the following section:
- **68a.** In addition to the indemnity as a member, an indem-Caucus nity at the rate of \$8,311 per annum shall be paid to the chair indemnities of the caucus of the party from which the Government is cho-

sen and to the chair of the caucus of the party recognized as the Official Opposition and an indemnity at the rate of \$7,480 per annum shall be paid to the chair of every other party that has a recognized membership of twelve or more persons in the Assembly.

**8.**—(1) Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 19, section 7, is repealed and the following substituted therefor:

House Leaders' indemnities

- **69.** In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the House Leader of the party recognized as the Official Opposition, at the rate of \$12,127 per annum; and
  - (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$9,128 per annum.
- (2) Section 69 of the said Act, as re-enacted by subsection (1), is amended by striking out "and" at the end of clause (a), by striking out "\$9,128" in the last line of clause (b) and inserting in lieu thereof "\$10,345" and by adding thereto the following clauses:
  - (c) to the Deputy House Leader of the party recognized as the Official Opposition, at the rate of \$5,995 per annum; and
  - (d) to the Deputy House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$5,450 per annum.

Commencement 9.—(1) This Act, except subsections 3 (2), 4 (2) and 5 (2), section 7 and subsection 8 (2), shall be deemed to have come into force on the 1st day of April, 1989.

- (2) Subsections 3 (2), 4 (2) and 5 (2), section 7 and subsec- Idem tion 8 (2) come into force on the 1st day of January, 1990.
- 10. The short title of this Act is the Legislative Assembly Short title Amendment Act, 1989.



-B56

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill92

# An Act to amend Fines and Terms of Imprisonment contained in certain Acts

The Hon. I. Scott Attorney General



1st Reading

December 7th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

The Bill increases the fines payable under most of the Acts named in the Bill. In certain instances the minimum fines are lowered. The Bill also adjusts imprisonment provisions in certain cases.

**Bill 92** 1989

### An Act to amend Fines and Terms of Imprisonment contained in certain Acts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### PART I

#### MINISTRY OF AGRICULTURE AND FOOD

- 1. Section 18 of the Artificial Insemination of Live Stock Act, being chapter 29 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 18. Every person who contravenes any provision of this Offences Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000 for a first offence, and to a fine of not less than \$200 and not more than \$5,000 for a subsequent offence.

2. Section 24 of the Bees Act, 1987, being chapter 31, is repealed and the following substituted therefor:

24. Every person who contravenes any provision of this Offence Act or the regulations or any order of the Director, Provincial Apiarist, Assistant Provincial Apiarist or an inspector is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$5,000 for any subsequent offence.

3. Section 16 of the *Plant Diseases Act*, being chapter 380 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

16.—(1) Except as provided in subsection (2), every per-Offences son who contravenes any provision of this Act or any by-law passed under subsection 12 (1) or the regulations or any order of an inspector or the Provincial Entomologist is guilty of an offence and on conviction is liable, for a first offence, to a fine

of not more than \$2,000 and, for any subsequent offence, to a fine of not more than \$5,000 or to imprisonment for a term of not more than thirty days.

Idem

- (2) Every person who contravenes any provision of subsection 13 (3) is guilty of an offence and on conviction is liable, for a first offence, to a fine of not more than \$2,000 and, for any subsequent offence, to a fine of not more than \$5,000.
- **4.** Section 14 of the *Seed Potatoes Act*, being chapter 467 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$200" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 5. Subsection 23 (1) of the *Weed Control Act*, 1988, being chapter 51, is repealed and the following substituted therefor:

Offence

- (1) A person who contravenes this Act or the regulations, or an order made under this Act, is guilty of an offence and on conviction is liable for a first offence to a fine of not less than \$500 and not more than \$2,000 and for each subsequent offence to a fine of not less than \$1,000 and not more than \$5,000.
- **6.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

## SCHEDULE Ministry of Agriculture and Food

Title of Act	Provision	Column 1	Column 2
Abandoned Orchards Act	9(1)	\$ 100	\$ 2,000
Agricultural Tile Drainage Installation Act	13 13	. 25 100	2,000 5,000
Animals for Research Act	21(1) 21(1) 21(2) 21(2)	500 1,000 25 100	2,000 5,000 2,000 5,000
Beef Cattle Marketing Act	17	1,000	2,000
Bull Owners' Liability Act	1	25	2,000
Commodity Boards and Marketing Agencies Act	4(1)	500	2,000
Dead Animals Disposal Act	17	500	2,000
Drainage Act	96	1,000	2,000
Edible Oil Products Act	15	500	5,000
Farm Income Stabilization Act	4(9)	1,000	2,000

#### **PART II**

#### MINISTRY OF THE ATTORNEY GENERAL

- 7. Section 9 of the *Charitable Gifts Act*, being chapter 63 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **9.** Every person who contravenes any provision of this Act Offence is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.
- **8.**—(1) Subsection 36 (2) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1986, chapter 8, section 4, is repealed and the following substituted therefor:
- (2) A person who contravenes a restraining order is guilty Offence of an offence and on conviction is liable to either or both a fine of \$5,000 and imprisonment for a term of not more than three months for a first offence and not more than two years for a subsequent offence.
- (2) Subsection 39 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

Bill 92

Court (Provincial Division)

- (1) In addition to its powers in respect of contempt, the Ontario Court (Provincial Division) may punish by fine or imprisonment, or both, any wilful contempt of or resistance to its process or orders in respect of custody of or access to a child, but the fine shall not in any case exceed \$5,000 nor shall the imprisonment exceed ninety days.
- **9.**—(1) Section 11 of the Commissioners for taking Affidavits Act, being chapter 75 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- (2) Section 12 of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the seventh and eighth lines and inserting in lieu thereof "is liable to a fine of not more than \$2.000".
- 10. Subsection 9 (2) of the Disorderly Houses Act, being chapter 120 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$1,000 and not more than \$5,000" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 11.—(1) Section 3 of the Hotel Registration of Guests Act, being chapter 208 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$50" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$100".
- (2) Section 4 of the said Act is amended by striking out "is liable to a fine of not less than \$20 and not more than \$200" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$100".
- 12. Section 122 of the Landlord and Tenant Act, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

- (1a) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided in subsection (1).
- 13.—(1) Subsection 2 (1) of the Minors' Protection Act, being chapter 293 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$2

and not more than \$50" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$500".

- (2) Section 2 of the said Act is amended by adding thereto the following subsection:
- (1a) Where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed is \$25,000.
- **14.**—(1) Subsection 6 (1) of the *Notaries Act*, being chapter 319 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- (2) Subsection 6 (2) of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not more than \$1,000".
- (3) Subsection 6 (3) of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$1,000" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 15.—(1) Section 22 of the *Public Accountancy Act*, being chapter 405 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$100 and not more than \$250" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (2) Subsection 23 (1) of the said Act is amended by striking out "is liable to a fine of not less than \$10 and not more than \$25, and to a further fine of not less than \$3 and not more than \$5 for every day on which the offence continues after conviction" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- (3) Subsection 23 (2) of the said Act is amended by striking out "is liable to a fine of not less than \$50 and not more than \$100 and, in the case of a continuing offence, to a further fine of not less than \$15 and not more than \$25 for every day on which the offence continues after conviction" in the ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".

(4) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

Offence

- (3) Any person who contravenes any provision of this section, without prejudice to any other proceedings that may be taken, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$25,000 for any subsequent offence.
- (5) Subsection 25 (1) of the said Act is repealed and the following substituted therefor:

Prohibition against a body corporate carrying on business as public accountant

- (1) It is not lawful for a body corporate to practise as a public accountant and any body corporate that contravenes the provisions of this subsection, without prejudice to any other proceedings that may be taken, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$25,000 for any subsequent offence.
- 16. Section 3 of the *Public Halls Act*, being chapter 408 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$500" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 17. Section 2 of the *Ticket Speculation Act*, being chapter 499 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$5 and not more than \$50" in the eleventh and twelfth lines and inserting in lieu thereof "is liable to a fine of not more than \$1,000".
- 18. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

## SCHEDULE

#### Ministry of the Attorney General

Title of Act	Provision	Column 1	Column 2
Architects Act, 1984	46(1) 46(1) 46(2) 46(2) 46(3) 46(4) 46(4) 46(5) 46(6) 47(1) 47(2)	\$15,000 30,000 5,000 15,000 5,000 5,000 15,000 30,000 30,000 5,000 5,000	\$25,000 50,000 10,000 25,000 10,000 25,000 50,000 50,000 10,000

1989	PROVINCIAL PENA	LTIES ADJUSTMENT	Bill 92	7
Blind Person'	s Rights Act	6(1) 6(2)	1,000	5,000
Compensation Crime Act	for Victims of	13(2) 13(3)	2,000 25,000	5,000 50,000
Courts of Jus	tice Act, 1984	146(4)	10,000	25,000
Dog Owners' L	iability Act	4 ( 4 )	2,000	5,000
Estates Admin	istration Act	19a(8) 19a(9)	2,000 5,000	5,000 10,000
Family Law Ac	t, 1986	24(5)(a) 46(2)(a) 49(1)	1,000 1,000 1,000	5,000 5,000 5,000
Hotel Registr Guests Act	ation of	5(2)	100	500
Innkeepers Ac	t	7(3)	50	500
Juries Act		42(1) 42(2) 42(3) 45(3)	5,000 2,000 1,000 5,000	10,000 5,000 5,000 10,000
Landlord and	Tenant Act	122(1)	2,000	5,000
	Toronto Police aints Act, 1984	30	2,000	5,000
Mortgages Act		4 (2)	50	200
Pawnbrokers A	ct	29(1)	500	2,000
Professional Act, 1984	Engineers	41(1) 41(1) 41(2) 41(2) 41(3) 41(3) 41(4) 41(5) 41(6) 42(1) 42(2)	15,000 30,000 5,000 15,000 5,000 15,000 5,000 30,000 30,000 5,000 5,000	25,000 50,000 10,000 25,000 10,000 25,000 10,000 50,000 10,000
Provincial Of	fences Act	12(1) 43(1) 60(3) 62 70(5) 86	300 1,000 2,000 2,000 25 1,000	500 2,000 5,000 5,000 5,000 2,000
Public Instit Inspection		5(2)	5,000	10,000
Trespass to P	roperty Act	2(1)	1,000	2,000

#### PART III

#### MINISTRY OF COLLEGES AND UNIVERSITIES

**19.**—(1) Subsection 89 (1) of the *Colleges Collective Bargaining Act*, being chapter 74 of the Revised Statutes of Ontario, 1980, is amended by striking out "\$500" in the third line and inserting in lieu thereof "\$1,000".

(2) Subsection 89 (2) of the said Act is amended by striking out "\$10,000" in the third line and inserting in lieu thereof "\$25,000".

#### **PART IV**

#### MINISTRY OF COMMUNITY AND SOCIAL SERVICES

**20.**—(1) Subsection 20 (2) of the *Day Nurseries Act*, being chapter 111 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Idem

- (2) Every person who contravenes the provisions of section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on conviction by the court is liable to a fine of not more than \$5,000 for each day on which such offence continues or to imprisonment for a term of not more than two years, or to both.
- (2) The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

# SCHEDULE Ministry of Community and Social Services

Title of Act	Provision	Column 1	Column 2
Child and Family Services Act, 1984	160(4)	\$ 5,000	\$25,000
Day Nurseries Act	21(1)	1,000	2,000
Family Benefits Act	19(3)	500	5,000
General Welfare Assistance Act	16(3)	100	5,000
Ministry of Community and and Social Services Act	6c(4)	2,000	5,000

#### PART V

#### MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

**21.** Subsection 13 (2) of the *Athletics Control Act*, being chapter 34 of the Revised Statutes of Ontario, 1980, is amended by striking out "to a fine of not less than \$20 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "to a fine of not more than \$10,000".

- 22. Section 41 of the Boilers and Pressure Vessels Act, being chapter 46 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **41.** Every person who contravenes any of the provisions of Offences this Act or the regulations, or any direction or order given to the person by an inspector, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000.
- 23. Subsection 30 (1) of the Elevating Devices Act, being chapter 135 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000".
- **24.** Section 27 of the *Energy Act*, being chapter 139 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more \$10,000 or to imprisonment for a term of not more than one year, or to both" in the twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000".
- 25. Section 17 of the Gasoline Handling Act, being chapter 185 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (2) Where a corporation is convicted of an offence under Idem. subsection (1), the maximum fine that may be imposed is \$100,000.

**26.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

Ministry of Consumer and Commercial Relations

Title of Act	Provision	Column 1	Column 2
Amusement Devices Act, 1986	17(1)	\$10,000	\$ 25,000
	17(1)	25,000	100,000
	17(2)	10,000	25,000

10	Bill 92	PROVINCIAL PENALTIES	ADJUSTMENT	1989
Bailiffs A	Act	18(1)	1,000	5,000
Business I	Practices Act	17(1) 17(2) 17(3)	2,000 2,000 25,000	25,000 25,000 100,000
Collection	Agencies Act	28(1) 28(2)	2,000 25,000	25,000 100,000
Condomini	nm Act	55(a) 55(b)	25,000 2,000	100,000 25,000
Consumer I	Protection Act	39(1) 39(2)	2,000 25,000	25,000 100,000
Consumer H	Reporting Act	22(1) 22(2)	2,000 25,000	25,000 100,000
Discrimina Practice	atory Business es Act	16(1) 16(2)	5,000 50,000	25,000 100,000
Gasoline H	Handling Act	17	10,000	25,000
Liquor Lic	cence Act	55(1) 55(5)	10,000 25,000	25,000 100,000
Motor Vehi	icle Dealers Act	22(1) 22(2)	2,000 25,000	25,000 100,000
Ontario Ne Warranti	ew Home les Plan Act	22(1) 22(2)	2,000 25,000	25,000 100,000
	and Periodical	15(1) 15(2)	2,000 25,000	25,000 100,000
Real Estat Brokers	te and Business Act	50(1) 50(2)	2,000 25,000	25,000 100,000
Theatres A	Act	61(1) 61(2)	2,000 25,000	25,000 100,000
Travel Ind	dustry Act	25(1) 25(2)	2,000 25,000	25,000 100,000

#### **PART VI**

#### MINISTRY OF CULTURE AND COMMUNICATIONS

- 27. Subsection 11 (2) of the *Centennial Centre of Science* and *Technology Act*, being chapter 60 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the second and third lines.
- 28.—(1) Subsection 69 (1) of the *Ontario Heritage Act*, being chapter 337 of the Revised Statutes of Ontario, 1980, is amended by striking out "\$10,000" in the third last line and inserting in lieu thereof "\$50,000".
- (2) Subsection 69 (2) of the said Act is amended by striking out "\$50,000" in the third line and inserting in lieu thereof "\$250,000".

- **29.** Subsection 16 (2) of the *Science North Act*, 1986, being chapter 5, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the second and third lines.
- **30.**—(1) Subsection 15 (2) of the *Telephone Act*, being chapter 496 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the third and fourth lines.
- (2) Section 107 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (3) Subsection 109 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (4) Subsection 110 (1) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the sixth and seventh lines.
- (5) Subsection 110 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (6) Section 111 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the fifth, sixth and seventh lines.
- (7) Section 112 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the sixth, seventh and eighth lines.
- (8) Section 113 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the sixth, seventh and eighth lines.
- (9) Section 114 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the eighth, ninth and tenth lines.
- (10) Subsection 115 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each day during which the default continues" in the third and fourth lines.

#### PART VII

#### MINISTRY OF EDUCATION

31. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

#### Ministry of Education

Title of Act	Provision	Column 1	Column 2
Education Act	15(4) 15(5) 15(6) 15(9) 29(1) 29(3) 187 188(1) 188(2) 189(1) 189(2) 190 193(4) 228(7)	\$ 25 100 200 200 100 100 100 100 100 100 100	\$ 50 200 500 500 200 200 200 200 200 200 2
School Boards and Teachers	228(7)	50 500	1,000
Collective Negotiations Act	77(2)	10,000	25,000

#### **PART VIII**

#### MINISTRY OF THE ENVIRONMENT

**32.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

#### Ministry of the Environment

Title of Act	Provision	Column 1	Column 2
Environmental Assessment Act	39 39	\$ 5,000 10,000	\$10,000 25,000
Environmental Protection Act	72 78(1) 78(1) 78(2) 78(2) 78a(1) 78a(1) 78a(2) 78a(2) 146(3) 146(3)	1,000 500 1,000 1,000 2,000 1,000 2,000 3,000 6,000 5,000 10,000	2,000 1,000 2,000 5,000 5,000 5,000 5,000 10,000 10,000 25,000

	146(4)	25,000	50,000
	146(4)	50,000	100,000
	146a(1)	50,000	100,000
	146a(1)	100,000	200,000
	147(1)	5,000	10,000
	147(1)	15,000	25,000
	147(2)	50,000	100,000
	147(2)	100,000	200,000
	147(3)	10,000	25,000
	147(3)	25,000	50,000
	147(4)	250,000	500,000
	147(4)	500,000	1,000,000
	14/(4)	300,000	1,000,000
Ontario Water Resources Act	67(1)	5,000	10,000
	67(1)	10,000	25,000
	67(2)	25,000	50,000
	67(2)	50,000	100,000
	68(2)	50,000	100,000
	68(2)	100,000	200,000
	00(2)	100,000	200,000
Pesticides Act	34a(1)	5,000	10,000
	34a(1)	10,000	25,000
	34a(2)	25,000	50,000
	34a(2)	50,000	100,000
	34c(2)	50,000	100,000
	34c(2)	100,000	200,000

#### **PARTIX**

#### MINISTRY OF FINANCIAL INSTITUTIONS

- 33. Subsection 55 (1) of the Commodity Futures Act, being chapter 78 of the Revised Statutes of Ontario, 1980, is amended by striking out "in the case of a company or a person other than an individual, to a fine of not more than \$25,000 and, in the case of an individual, to a fine of not more than \$2,000" in the second, third, fourth and fifth last lines and inserting in lieu thereof "to a fine of not more than \$1,000,000".
- 34. Section 14 of the Compulsory Automobile Insurance Act, being chapter 83 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 14.—(1) Except where otherwise provided, every person General and every director or officer of an insurer who commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 in the case of an individual and \$200,000 in the case of a corporation.

(2) In addition to any penalty imposed under this Act, where the person who contravenes this Act or the regulations lation of is an insurer, the Lieutenant Governor in Council may, by licence of order and upon the report of the Superintendent, suspend or cancel the insurer's licence issued under the *Insurance Act*.

Suspension or cancelinsurer

R.S.O. 1980. c. 218

Contravention by Association

- (3) Where the Association commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$5,000 and not more than \$200,000.
- 35. Section 19 of the *Prepaid Hospital and Medical Services Act*, being chapter 388 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- 19. Every person not registered under this Act who contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 in the case of an individual and not more than \$200,000 in the case of a corporation.
- **36.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

# SCHEDULE Ministry of Financial Institutions

Title of Act	Provision	Column 1	Column 2
Commodity Futures Act	55(3)	\$ 2,000	\$1,000,000
Co-operative Corporations Act	173(1) 174(1) 174(1) 174(2) 176(1) 176(1) 176(2)	2,000 2,000 20,000 2,000 1,000 10,000 1,000	10,000 10,000 50,000 10,000 5,000 100,000 5,000
Credit Unions and Caisses Populaires Act	141(1) 141(2) 143(1) 143(2) 144(1) 144(1)	2,000 2,000 50 50 2,000 10,000 2,000	10,000 10,000 200 200 5,000 100,000 5,000
Deposits Regulation Act	8(1) 8(2) 8(3)	5,000 25,000 5,000	100,000 200,000 100,000
Mortgage Brokers Act	31(1) 31(2)	2,000 25,000	100,000 200,000
Registered Insurance Brokers Act	34(1) 34(2)	5,000 25,000	100,000

# PART X

### MINISTRY OF HEALTH

- **37.** Section 9 of the *Cancer Remedies Act*, being chapter 58 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **9.** Every person who contravenes a provision of this Act Offence or who fails or neglects to obey any order, direction or requirement of the Commission is guilty of an offence and on conviction is liable for a first offence to a fine of not less than \$200 and not more than \$1,000 and for any subsequent offence to a fine of not less than \$1,000 and not more than \$5,000.
- **38.** Section 9 of the *Dental Technicians Act*, being chapter 114 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of \$100 for a first offence, \$200 for a second offence, and \$300 for a third or subsequent offence" in the seventh, eighth and ninth lines and inserting in lieu thereof "is liable to a fine of \$10,000 for a first or subsequent offence".
- **39.** Subsection 9 (1) of the *Radiological Technicians Act*, being chapter 430 of the Revised Statutes of Ontario, 1980, is amended,
  - (a) by striking out "\$100" in the fourth last line and inserting in lieu thereof "\$2,500";
  - (b) by striking out "\$200" in the fourth last line and inserting in lieu thereof "\$5,000";
  - (c) by striking out "\$200" in the third last line and inserting in lieu thereof "\$4,000"; and
  - (d) by striking out "\$500" in the second last line and inserting in lieu thereof "\$10,000".
- **40.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

# Ministry of Health

Title of Act	Provision	Column 1	Column 2
Ambulance Act	23(1) 23(2) 23(3)	\$ 1,000 10,000 500	\$ 2,000 25,000 1,000
Chiropody Act	6	100	25,000
Denture Therapists Act	27(1) 27(1) 27(2) 27(2) 27(2) 27(3) 32(1) 32(2)	2,000 2,000 1,000 2,000 2,000 5,000 5,000	25,000 25,000 5,000 10,000 10,000 10,000 10,000
Drugless Practitioners Act	8	100	25,000
Healing Arts Radiation Act	23(1) 23(2)	5,000 25,000	10,000 50,000
Health Care Accessibility Act, 1986	8(1) 8(1)	250 1,000	2,000
Health Disciplines Act	18(1) 18(2) 18(2) 18(2) 37(5)(e) 43(1) 43(2) 43(2) 43(3) 60(5)(e) 67(1) 67(1) 67(2) 67(3) 83(5)(e) 88(1) 88(1) 88(2) 88(2) 105(5)(e) 112(1) 112(1) 112(2) 112(2) 112(3) 130(5)(e) 162(1) 162(1) 162(2) 162(2) 162(3)	5,000 5,000 5,000 5,000 1,000 2,	10,000 10,000 10,000 10,000 25,000 5,000 10,000 25,000 25,000 25,000 10,000 25,000 25,000 25,000 25,000 10,000 25,000 25,000 10,000 25,000
Health Insurance Act	50	2,000	5,000
Hypnosis Act	5 5 5 5	100 1,000 200 2,000	500 5,000 2,500 25,000
Mental Health Act	64	10,000	25,000
Mental Hospitals Act	8	10 100	20 1,000
Ontario Drug Benefit Act, 1986	15(1) 15(1) 15(2)	5,000 10,000 50,000	10,000 25,000 100,000

Ophthalmic Dispensers Act	16	50	2,500
	16	500	25,000
Prescription Drug Cost	13(1)	10,000	25,000
Regulation Act, 1986	13(2)	50,000	100,000
Private Hospitals Act	3 3 4(2) 7(6) 7(6) 19(4) 21(3) 21(4) 23(3) 24(2) 25 26 26	100 500 500 25 500 25 200 50 200 25 25 25	200 1,000 1,000 50 1,000 50 1,000 1,000 1,000 50 50 50
Psychologists Registration Act	14(1)	100	5,000
	14(1)	500	25,000
Public Hospitals Act	27	25	50
	27	500	1,000

# **PART XI**

# MINISTRY OF HOUSING

- **41.**—(1) Subsection 122 (1) of the *Residential Rent Regulation Act*, 1986, being chapter 63, is amended by striking out "\$2,000" in the last line and inserting in lieu thereof "\$5,000".
- (2) Subsection 122 (2) of the said Act is amended by striking out "\$25,000" in the third line and inserting in lieu thereof "\$50,000".

#### **PART XII**

#### MINISTRY OF INDUSTRY, TRADE AND TECHNOLOGY

- **42.**—(1) Subsection 11 (3) of the *Ministry of Industry and Trade Act*, 1982, being chapter 31, is amended by striking out "\$2,000" in the last line and inserting in lieu thereof "\$10,000".
- (2) Subsection 11 (4) of the said Act is amended by striking out "\$25,000" in the last line and inserting in lieu thereof "\$100,000".

# **PART XIII**

### MINISTRY OF LABOUR

- 43. Section 13 of the *Employment Agencies Act*, being chapter 136 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$500" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$5,000 or, if the person is a body corporate, to a fine of not more than \$50,000".
- **44.** Section 4 of the Government Contracts Hours and Wages Act, being chapter 190 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- **45.**—(1) Subsections 19 (1) and (3) of the *Industrial Standards Act*, being chapter 216 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Offence

(1) Every employer who contravenes a schedule that is applicable to the employer or who permits or condones work in contravention thereof is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 and, in default of payment, to imprisonment for a term of not more than six months, and, where the conviction is for failing to pay the minimum rate of wages prescribed by the schedule, shall be ordered to pay to the Director, as an additional penalty, the full amount of the wages found to be unpaid to any employee under the schedule, and the Director, in the Director's discretion, may direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

Offence

- (3) Every employee who contravenes a provision of a schedule is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.
- (2) Section 20 of the said Act is repealed and the following substituted therefor:

Offence

**20.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction, where no penalty has been specifically provided, is

liable to a fine of not more than \$50,000 and, in default of payment, to imprisonment for a term of not more than six months.

- **46.** Subsection 9 (5) of the *Ministry of Labour Act*, being chapter 284 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$300" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- **47.** Subsection 77 (8) of the Workers' Compensation Act, being chapter 539 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 28, is amended by adding at the end thereof "and on conviction is liable to a fine of not more than \$5,000".
- **48.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

# SCHEDULE Ministry of Labour

Title of Act	Provision	Column 1	Column 2
Crown Employees Collective Bargaining Act	44(1) 44(2)	\$ 500 5,000	\$ 2,000 25,000
Employment Standards Act	47(1) 57(3) 59(1)	25 100 10,000	100 2,000 50,000
Labour Relations Act	96(1) 96(1)	1,000 10,000	2,000 25,000
Ministry of Labour Act	9(4)	20 500	25,000 25,000
One Day's Rest in Seven Act	4	100	25,000
Pay Equity Act, 1987	26(1) 26(1)	2,000 25,000	5,000 50,000
Workers' Compensation Act	18(2) 52(9) 69(2) 97(6) 99(3) 101(2) 102(2) 118(3) 118(3) 121(2)	50 50 500 500 500 500 500 200 20	10,000 10,000 10,000 25,000 25,000 5,000 5,000 100 25,000

# **PART XIV**

### MINISTRY OF MUNICIPAL AFFAIRS

- **49.**—(1) Subsection 48 (4) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 98 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 103 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **50.**—(1) Subsection 47 (5) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 88 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third line.
- (3) Section 93 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **51.** Subsection 11 (5) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$1,000" in the fourth and fifth lines.
- **52.**—(1) Subsection 36 (6) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

(6) The clerk is guilty of an offence if the certificate is not sent within the prescribed time or if the clerk certifies to a larger number of electors than the last revised polling lists show.

- (2) Subsection 211 (21) of the said Act is repealed and the following substituted therefor:
- (21) Despite section 321, a by-law passed under this section Fines may provide that a person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,
  - (a) \$50,000; or
  - (b) the gross sales of the shop during the period the shop was open in contravention of the by-law.
- (3) Clause (g) of paragraph 1 of subsection 230 (1) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$5" in the fifth, sixth and seventh lines.
- (4) Clause (g) of paragraph 17 of section 232 of the said Act is amended by striking out "and on conviction is liable to a fine equal to the licence fee that he should have paid and in addition thereto the sum of not less than \$10 and not more than \$200" in the second, third, fourth and fifth lines.
- (5) Clause (h) of paragraph 17 of the said section 232 is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$10" in the fifth, sixth and seventh lines.
- (6) Subsection 297 (3) of the said Act is amended by striking out "and on conviction is liable to a fine of \$5" in the second and third lines.
- (7) Subsection 297 (4) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50" in the fourth and fifth lines.
- (8) Section 321 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 24, section 13, is amended by striking out "and for providing for the imposition of fines of not more than \$2,000 on every person who is convicted of an offence under any such by-law" in the fifth, sixth and seventh lines.
- **53.**—(1) Section 19 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **19.**—(1) Any municipality, member of council or of a local Offence board or an officer thereof or any other person guilty of any

wilful breach of any of the provisions of this Part or of any order of the Ministry made thereunder is guilty of an offence.

Idem

- (2) If the person convicted of an offence under subsection (1) is a member of a council or a local board, the person is, upon conviction and in addition to any other penalty provided by law, disqualified from holding any municipal office for a period of two years.
- (2) Subsection 58 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$25 and not more than \$500 for each offence" in the tenth and eleventh lines.
- **54.**—(1) Subsection 93 (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 110 (11) of the said Act is amended by striking out "and on conviction is liable to a fine of \$50 for the first offence and \$300 for each subsequent offence" in the second, third and fourth lines.
- (3) Subsection 227 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (4) Section 231 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 55. Subsection 24 (4) of the *Niagara Escarpment Planning* and *Development Act*, being chapter 316 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (4) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable,
  - (a) on a first conviction to a fine of not more than \$25,000; and
  - (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

(4a) Notwithstanding subsection (4), if a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- **56.**—(1) Subsection 31 (22) of the *Planning Act*, 1983, being chapter 1, is amended by striking out "is liable to a fine of not more than \$500 for each day that the contravention has continued" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$10,000 for any subsequent offence".
- (2) Section 31 of the said Act is amended by adding thereto the following subsection:
- (22a) Notwithstanding subsection (22), if a corporation is Idem, convicted of an offence under subsection (22), the maximum penalty that may be imposed upon the corporation is \$10,000 for a first offence and \$50,000 for any subsequent offence.

- (3) Subsection 33 (13) of the said Act is amended by striking out "or to imprisonment for a term of not more than six months, or to both" in the sixth and seventh lines.
- (4) Subsection 67 (2) of the said Act is amended by striking out "or to imprisonment for a term of not more than six months, or to both" in the sixth and seventh lines.
- 57. Subsection 19 (2) of the Public Parks Act, being chapter 417 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20; or may be imprisoned for a term of not more than thirty days; and is liable to an action at the suit of the board to make good any damage done by him" in the second, third, fourth and fifth lines.
- **58.**—(1) Section 12 of the *Public Utilities Act*, being chapter 423 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$300 or may be imprisoned without the option of a fine for a term of not more than one month" in the eleventh, twelfth, thirteenth and fourteenth lines.

- (2) Section 13 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$300 or may be imprisoned, without the option of a fine, for a term of not more than one month" in the first, second and third last lines.
- (3) Section 52 of the said Act is amended by striking out "of not more than \$300" in the eighth line.
- (4) Section 53 of the said Act is amended by striking out "of not more than \$300" in the sixth and seventh lines.
- **59.**—(1) Subsection 48 (4) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 110 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 115 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **60.**—(1) Subsection 47 (4) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 92 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 97 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **61.**—(1) Subsection 47 (4) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not

more than \$500 for a second or subsequent offence' in the second, third, fourth and fifth lines.

- (2) Subsection 103 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 108 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **62.**—(1) Subsection 46 (4) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 114 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 119 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **63.**—(1) Subsection 87 (5) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 142 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third and fourth lines.
- (3) Section 147 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **64.**—(1) Subsection 72 (5) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.

- (2) Subsection 133 (39) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 138 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **65.**—(1) Subsection 47 (4) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 98 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 103 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **66.**—(1) Subsection 63 (5) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 84 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 89 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **67.**—(1) Subsection 82 (4) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.

- (2) Subsection 132 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 137 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **68.**—(1) Subsection 83 (5) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 134 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third line.
- (3) Section 139 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the seventh and eighth lines.
- **69.** Subsection 7 (1) of the *Road Access Act*, being chapter 457 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$2,000" in the second and third lines.
- **70.**—(1) Section 7 of the *Snow Roads and Fences Act*, being chapter 477 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20" in the fifth and sixth lines.
- (2) Section 8 of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20" in the fourth and fifth lines.
- (3) Subsection 12 (4) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$50" in the fifth and sixth lines.
- 71. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

### Ministry of Municipal Affairs

Title of Act	Provision	Column 1	Column 2
Municipal Act	321b(1) 321b(1) 321b(2) 321b(2) 321b(2) 328(1) 328(2)	\$ 5,000 10,000 25,000 50,000 10,000 25,000	\$ 10,000 25,000 50,000 100,000 25,000 50,000
Municipal Elections Act	96 97 98 99 100 101 102 103(1) 104 135(1) 135(2) 177(1) 177(2) 178 179 180 181	2,000 2,000 2,000 2,000 2,000 2,000 2,000 2,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000	5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000
Planning Act, 1983	33(13) 66(1) 67(2)	20,000 20,000 2,000	50,000 25,000 5,000

#### PART XV

#### MINISTRY OF NATURAL RESOURCES

**72.** Section 6 of the *Endangered Species Act*, being chapter 138 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- **6.** Any person who contravenes this Act is guilty of an offence and on conviction is liable to a fine of not more than \$50,000, or to imprisonment for a term of not more than two years, or to both.
- 73. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

### Ministry of Natural Resources

Title of Act	Provision	Column 1	Column 2
Game and Fish Act	19 91	\$5,000 5,000	\$25,000 25,000
Provincial Parks Act	22(1)	500	5,000

# **PART XVI**

#### MINISTRY OF MINES

- 74.—(1) Section 169 of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both" in the second, third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$30,000 for every day upon which the offence occurs or continues".
- (2) Subsection 172 (1) of the said Act is amended by striking out "is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (3) Subsection 172 (2) of the said Act is amended by striking out "is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both" in the fourth, fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (4) Subsection 173 (2) of the said Act is amended by striking out "\$1,000" in the second last line and inserting in lieu thereof "\$30,000".
- (5) Section 174 of the said Act is amended by striking out "a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "a fine of not more than \$10,000".

### **PART XVII**

#### MINISTRY OF REVENUE

- 75. Subsection 12 (2a) of the Assessment Act, being chapter 31 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 28, section 3, is amended by striking out "an amount of not less than \$50 and not more than \$500" in the seventh and eighth lines and inserting in lieu thereof "an amount of not more than \$2,000".
- **76.** Subsection 24 (1) of the *Employee Share Ownership Plan Act*, 1988, being chapter 3, is amended by striking out "is liable to a fine of not more than \$2,000 or if such person is a

corporation to a fine of not more than \$20,000" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".

- 77.—(1) Subsection 4 (8) of the *Fuel Tax Act*, 1981, being chapter 59, is amended by striking out "is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than \$100 and not more than \$5,000" in the third, fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than double the amount of the tax that the person failed to pay".
- (2) Subsection 8 (12) of the said Act is amended by striking out "is liable to a fine of not more than \$5,000" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$5,000".
- (3) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Offence

- (1) Every person who makes a false statement in any return or information made or furnished to the Minister under this Act is guilty of an offence and is liable to a fine of not less than \$500 and not more than \$10,000 plus an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or to imprisonment for a term of not more than two years or to both fine and imprisonment.
- (4) Subsection 25 (2) of the said Act is amended by striking out "is liable to a fine of not more than \$20,000" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$1,000 and not more than \$10,000".
- 78.—(1) Subsection 20 (1) of the Gasoline Tax Act, being chapter 186 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Penalty for failure to collect tax

- (1) Every person required to collect the tax imposed by this Act who fails to collect the tax is liable on conviction to a fine of 30 cents per litre of gasoline on which tax should have been collected as determined under subsection (4).
- (2) Subsection 21 (1) of the said Act is amended by striking out "is liable to a fine of not less than \$25 for each day during which the default continues" in the third and fourth lines and inserting in lieu thereof "is liable to a penalty of not less than \$50 and not more than 5 per cent of the tax that should have been remitted or declared".

- (3) Section 22 of the said Act is amended by striking out "is liable on conviction to a fine of not less than \$200 and not more than" in the fourth and fifth last lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than \$10,000 plus".
- (4) Section 23 of the said Act is repealed and the following substituted therefor:
- 23. Every person who contravenes any of the provisions General of this Act or the regulations for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,000.

- 79. Clause 44 (f) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - (f) a fine of not less than \$500 and not more than \$10,000 plus an amount equal to 200 per cent of the amount of the tax that was sought to be evaded; or
- 80.—(1) Section 5 of the Land Transfer Tax Act, being chapter 231 of the Revised Statutes of Ontario, 1980, as reenacted by the Statutes of Ontario, 1983, chapter 20, section 4, is amended by striking out "is liable on conviction to a fine of the amount of the tax that, had the true facts been stated, would have been payable, plus an amount of not less than \$50 and not more than \$1,000" in the sixth, seventh, eighth and ninth lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than double the amount of the tax that, had the facts been truthfully stated, would have been payable".
- (2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 21, section 4, is repealed and the following substituted therefor:
- (1) Every person who knowingly contravenes any provision Offence of this Act or who knowingly makes an affidavit required by this Act that falsely discloses the value of the consideration for any conveyance of land or falsely states that a person who is a non-resident person is not a non-resident person or falsely states whether the land being conveyed contains at least one and not more than two single family residences is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax that was not paid to the collector as provided for in this Act plus an amount of not more than \$5,000.

- 81. Section 20 of the *Mining Tax Act*, being chapter 269 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 17, is amended by striking out "is liable on conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded" in the second, third, fourth, fifth and sixth last lines and inserting in lieu thereof "is liable on conviction to a fine of not less than the greater of \$500 or 50 per cent of the amount of the tax that should have been shown to be payable or that was sought to be evaded and not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded".
- **82.** Subsection 16 (1) of the *Ontario Guaranteed Annual Income Act*, being chapter 336 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (1) Every person who does any of the following is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$1,000:
  - 1. Knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 2. Knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a an increment under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 3. Knowingly, converts to the person's own use a payment of an increment under this Act to which the person is not entitled.

Idem

- (1a) Every person who contravenes section 11 is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000.
- 83. Subsection 17 (2) of the Ontario Home Ownership Savings Plan Act, 1988, being chapter 35, is amended by striking out "is liable to a fine of not more than \$2,000, or if

such person is a corporation to a fine of not more than \$20,000" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".

- **84.** Subsection 15 (1) of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- (1) Every person who does any of the following is guilty of Offence an offence and on conviction is liable to a fine of not less than \$50 and not more than \$1,000:
  - 1. Knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 2. Knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 3. Knowingly, converts to the person's own use a payment of a grant under this Act to which the person is not entitled.
- (1a) Every person who contravenes section 11 or 16 is <sup>Idem</sup> guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000.
- 85. Subsection 30 (1) of the Small Business Development Corporations Act, being chapter 475 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$2,000 or if such person is a corporation to a fine of not more than \$20,000" in the eighth, ninth and tenth lines and inserting in lieu thereof "is liable to a fine of not less than 25 per cent and not more than 200 per cent of the amount of the grant or tax credit sought or received or to imprisonment for a term of not more than two years, or to both a fine and imprisonment".
- **86.**—(1) Subsection 9 (4) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of \$200" in the third and fourth lines and inserting in lieu thereof "is liable to

a fine of not less than \$50 and not more than 5 per cent of the amount of the tax that would have been reported had the return been properly completed and filed".

- (2) Subsection 18 (3) of the said Act is amended by striking out "is liable on conviction to a fine of not less than 25 per cent of the tax that should have been declared to be collectable or payable or that was sought to be evaded and to not more than double the amount of such tax" in the second, third, fourth and fifth last lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than \$10,000 plus not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded".
- (3) Subsection 21 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 4, section 4, is repealed and the following substituted therefor:

Penalty for selling tobacco with no wholesale dealer's permit

- (1) Every person who sells tobacco in Ontario for resale without holding a subsisting wholesale dealer's permit issued under this Act shall, when assessed therefor, pay a penalty of not less than \$200 and not more than \$2,000 plus a penalty computed as follows:
  - 1. 12 cents for every cigarette so sold.
  - 2. 6.6 cents for every gram or part thereof of any tobacco, other than cigarettes or cigars, so sold.
  - 3. 135 per cent of the price at which each cigar was so sold.
- (4) Subsections 23 (1) and (2) of the said Act are repealed and the following substituted therefor:

General penalty

(1) Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to a term of imprisonment of not less than three months and not more than six months, or to both a fine and imprisonment.

Offence

(2) Every person who purchases tobacco for resale from any person who is not designated a collector according to the regulations is guilty of an offence and on conviction is liable to a fine equal to the amount of tax that would be exigible on the tobacco so purchased if such tobacco had been purchased by a consumer and is in addition liable to imprisonment for a term not exceeding six months.

87. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

# Ministry of Revenue

Title of Act	Provision	Column 1	Column 2
Assessment Act	12(1) 12(1) 12(2) 12(3) 57(1)	\$ 100 10 200 200 200	\$1,000 100 2,000 2,000 2,000
Corporations Tax Act	98	500	5,000
Fuel Tax Act, 1981	4(9) 5(2) 5(2) 5(3) 5(3) 8(11) 8(13) 10(4) 22(8) 27 28 28	100 100 500 100 500 1,000 50 200 100 50 1,000	200 200 1,000 200 1,000 200 200 2,000 2,000 200 5,000
Gasoline Tax Act	8(4) 20(3) 21(2)	200 200 25	500 500 50
Income Tax Act	43(1) 46(1)	25 200	50 2,000
Land Transfer Tax Act	8 (5)	25	50
Mining Tax Act	14(2) 19(1) 19(2)	200 50 25	2,000 200 200
Ontario Guaranteed Annual Income Act	15(5)	25	50
Ontario Home Ownership Savings Plan Act, 1988	17(1)	2,000	5,000
Provincial Land Tax Act	35 35 36 37	100 10 500 200	500 50 2,000 2,000
Race Tracks Tax Act, 1988	12(7) 13(8)	2,500	5,000 2,000
Retail Sales Tax Act	30(3) 41(1)	2,000 100 2,000	10,000 500 5,000

# PART XVIII

### MINISTRY OF SKILLS DEVELOPMENT

88. Subsection 26 (1) of the Apprenticeship and Tradesmen's Qualification Act, being chapter 24 of the Revised Statutes of Ontario, 1980, is amended by striking out "\$1,000" in the last line and inserting in lieu thereof "\$2,000".

# **PART XIX**

# MINISTRY OF THE SOLICITOR GENERAL

- **89.**—(1) Section 15 of the *Fire Marshals Act*, being chapter 166 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$20" in the third and fourth last lines and inserting in lieu thereof "is liable to a fine of not more than \$1,000 for a first offence and to a fine of not more than \$5,000 for any subsequent offence".
- (2) Subsection 18 (14) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 8, section 2, is amended by striking out "is liable to a fine of not less than \$100 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- **90.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

# SCHEDULE

# Ministry of the Solicitor General

Title of Act	Provision	Column 1	Column 2
Fire Marshals Act	18(18)	\$ 2,000	\$10,000
	18(19)	2,000	10,000
	18a(5)	2,000	25,000
	18a(6)	10,000	50,000
Private Investigators and	32(1)	2,000	5,000
Security Guards Act	32(2)	25,000	50,000
Public Works Protection Act	2(4)	100	500
	5(1)	100	500

# **PART XX**

### MINISTRY OF TOURISM AND RECREATION

**91.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

# SCHEDULE Ministry of Tourism and Recreation

Title of Act	Provision	Column 1	Column 2
Ministry of Tourism and Recreation Act, 1982	10(3) 10(4)	\$ 2,000 25,000	\$ 5,000 50,000
Niagara Parks Act	20	500	10,000
Provincial Parks Act	22(1)	500	1,000
St. Clair Parkway Commission	19(1)	300	500
St. Lawrence Parks Commission Act	18(1)	100	500
Tourism Act	15(1) 15(2) 15(3)	1,000 500 10	5,000 2,000 50

#### PART XXI

#### MINISTRY OF TRANSPORTATION

- **92.** Subsection 42 (6) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - (6) Every person who contravenes any of the provisions of, Offence
    - (a) subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100;
    - (b) subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$1,000;
    - (c) subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than \$20 and not more than \$100:

- (d) subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.
- **93.**—(1) Subsection 11 (3) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$500" in the last line and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$1.000".
- (2) Subsection 11 (4) of the said Act is amended by striking out "is liable to a fine of not more than \$500" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$1,000".
- **94.**—(1) Subsection 28 (5) of the *Public Transportation and Highway Improvement Act*, being chapter 421 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (5) Every person who without lawful authority,
  - (a) uses the King's Highway so closed to traffic while it is protected in accordance with subsection (3) is guilty of an offence and on conviction is liable to a fine of not more than \$50:
  - (b) defaces any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on conviction is liable to a fine of not more than \$200; or
  - (c) removes any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Idem

- (6) Every person who is convicted of an offence under clause (5) (a) or (b) is also liable to the Crown for any damage or injury occasioned by such wrongful use, defacement or removal.
- (2) Subsection 30 (3) of the said Act is amended by striking out "is liable to a fine of not less than \$10 per tree and not more than \$100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning" in the second, third, fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$50 and not more than \$200".

- (3) Subsection 103 (5) of the said Act is amended by striking out "is liable to a fine of not more than \$50 and is also liable to the municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement" in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof "is liable to a fine of not more than \$500".
- 95. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

SCHEDULE
Ministry of Transportation

	ministry of franspo	1 cacion	
Title of Act	Provision	Column 1	Column 2
Commuter Services Act	5(1)	\$ 100	\$ 500
Ferries Act	8	20	500
Highway Traffic Act	8(2) 8(2) 9(1) 9(1) 12(1) 12(1) 13(3) 13(3) 18(10) 30(3b) 30(3b) 30(3b) 30(3b) 30(3c) 30(3c) 30(3d) 30(3d) 30(3d) 30(3d) 31(3d) 35(1)(a) 35(1)(b) 35(1)(b) 41(5) 41(5) 41(5) 41(5) 41(5) 41(5) 41(5) 41(5) 41(6) 53(4) 53(4) 53(4) 53(4) 53(4) 53(4) 53(4) 53(4) 54(6) 55(3)	50 200 50 50 50 50 50 50 60 60 60 60 60 60 60 60 60 6	100 500 100 100 1,000 200 200 200 2,000 60 500 200 2,000 60 500 200 2,000 500 200 1,000 5,000 1,000 5,000 1,000 1,000 1,000 200 1,000 1

	83(1) 83(2) 83(2) 86(4) 86(4) 87(6) 87(6) 89(3) 89(3) 92(11) 92(11) 94(4) 105(6) 105(6) 105(7) 111 147(12) 147(12) 148(2) 148(2) 151(17)(a) 151(17)(b) 160 163(4) 174(2) 188(1) 188(1) 189a(2) 189a(2)	500 500 500 100 500 100 500 100 500 100 500 100 500 5	1,000 100 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 500 500 500 500
Motorized Snow Vehicles Act	19(2)	500 300	1,000
Off-Road Vehicles Act, 1983	6(1) 6(1) 9 10(2) 10(2) 15(6) 15(7) 15(7) 15(8) 15(8)	50 200 50 500 5 10 10 100 100 500 100 500	100 500 100 1,000 20 50 200 200 1,000
Public Transportation and Highway Improvement Act	26(4) 26(4) 31(2) 31(2) 32(2) 98(5) 98(5) 98(5) 98(5)	5 50 50 1,000 5 10 100 50	50 200 200 5,000 50 50 500 200 2,000
Public Vehicles Act	32(2)	200	1,000
Toll Bridges Act	3(2) 3(2) 3(2)	5 10 50	50 100 500
Toronto Area Transit Operating Authority Act	9 (2)	100	500

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# PART XXII

PROVINCIAL PENALTIES ADJUSTMENT

#### COMMENCEMENT AND SHORT TITLE

- 96.—(1) This Act, except subsection 8 (2), comes into force Commenceon a day to be named by proclamation of the Lieutenant Governor.
- (2) Subsection 8 (2) comes into force on the day this Act Idem receives Royal Assent or on the day section 2 of the Courts of Justice Amendment Act, 1989, being chapter 55, comes into force, whichever day is later.
- (3) A proclamation bringing this Act or any provision of this Idem Act into force may provide that an amendment to a provision named in a Schedule set out in this Act does not come into force until such day as is named in the proclamation or that any such provision does not come into force.
- 97. The short title of this Act is the Provincial Penalties Short title Adjustment Act, 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill92

# An Act to amend Fines and Terms of Imprisonment contained in certain Acts

The Hon. I. Scott

Attorney General



1st Reading

December 7th, 1989

2nd Reading

December 13th, 1989

3rd Reading

Royal Assent

(Reprinted as amended by the Committee of the Whole House)

# **EXPLANATORY NOTE**

The Bill increases the fines payable under most of the Acts named in the Bill. In certain instances the minimum fines are lowered. The Bill also adjusts imprisonment provisions in certain cases.

**Bill 92** 1989

# An Act to amend Fines and Terms of Imprisonment contained in certain Acts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

# PART I

# MINISTRY OF AGRICULTURE AND FOOD

- **1.** Section 18 of the Artificial Insemination of Live Stock Act, being chapter 29 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 18. Every person who contravenes any provision of this Offences Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000 for a first offence, and to a fine of not less than \$200 and not more than \$5,000 for a subsequent offence.
- 2. Section 24 of the Bees Act, 1987, being chapter 31, is repealed and the following substituted therefor:
- 24. Every person who contravenes any provision of this Offence Act or the regulations or any order of the Director, Provincial Apiarist, Assistant Provincial Apiarist or an inspector is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$5,000 for any subsequent offence.
- 3. Section 16 of the *Plant Diseases Act*, being chapter 380 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 16.—(1) Except as provided in subsection (2), every per-Offences son who contravenes any provision of this Act or any by-law passed under subsection 12 (1) or the regulations or any order of an inspector or the Provincial Entomologist is guilty of an offence and on conviction is liable, for a first offence, to a fine

of not more than \$2,000 and, for any subsequent offence, to a fine of not more than \$5,000 or to imprisonment for a term of not more than thirty days.

Idem

- (2) Every person who contravenes any provision of subsection 13 (3) is guilty of an offence and on conviction is liable, for a first offence, to a fine of not more than \$2,000 and, for any subsequent offence, to a fine of not more than \$5,000.
- **4.** Section 14 of the *Seed Potatoes Act*, being chapter 467 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$200" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 5. Subsection 23 (1) of the *Weed Control Act*, 1988, being chapter 51, is repealed and the following substituted therefor:

Offence

(1) A person who contravenes this Act or the regulations, or an order made under this Act, is guilty of an offence and on conviction is liable for a first offence to a fine of not less than \$500 and not more than \$2,000 and for each subsequent offence to a fine of not less than \$1,000 and not more than \$5,000.

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Le paragraphe 23 (1) de la Loi de 1988 sur la destruction des mauvaises herbes, qui constitue le chapitre 51, est abrogé et remplacé par ce qui suit :

Infraction

- (1) Quiconque contrevient à la présente loi ou aux règlements, ou à un ordre donné aux termes de la présente loi, est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au moins 500 \$ et d'au plus 2 000 \$ à l'égard d'une première infraction, et d'une amende d'au moins 1 000 \$ et d'au plus 5 000 \$ à l'égard de chaque infraction subséquente.
- 6. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

Ministry of Agriculture and Food

Title of Act	Provision	Column 1	Column 2
Abandoned Orchards Act	9(1)	\$ 100	\$ 2,000
Agricultural Tile Drainage Installation Act	13 13	25 100	2,000 5,000

1989	PROVINCIAL PENALT	IES ADJUSTMENT	Bill 92	3
Animals for R	esearch Act	21(1) 21(1) 21(2) 21(2)	500 1,000 25 100	2,000 5,000 2,000 5,000
Beef Cattle M	arketing Act	17	1,000	2,000
Bull Owners'	Liability Act	1	25	2,000
Commodity Boa Agencies Ac	rds and Marketing t	4(1)	500	2,000
Dead Animals	Disposal Act	17	500	2,000
Drainage Act		96	1,000	2,000
Edible Oil Pro	oducts Act	15	500	5,000
Farm Income S	tabilization Act	4 (9)	1,000	2,000
Fur Farms Act		10 10	100 500	2,000 5,000
Grain Corn Ma	rketing Act, 1984	7 7	500 2,000	2,000 5,000
Live Stock Bra	anding Act	7	200	2,000
Live Stock Cor	mmumity Sales Act	19 19	500 1,000	2,000 5,000
Live Stock Med	dicines Act	12 12	500 1,000	2,000 5,000
Meat Inspection	on Act (Ontario)	16 16	500 2,000	2,000 5,000
Oleomargarine	Act	17	500	5,000
Ontario Food	Terminal Act	16(1) 16(1)	50 200	2,000 5,000
Pounds Act		22	10	2,000
Riding Horse I	Establishments Act	16(1) 16(1) 16(2) 16(2)	500 1,000 25 100	2,000 5,000 2,000 5,000
Sheep and Wool Act, 1981	l Marketing	12 12	100 500	2,000 5,000

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# **PART II**

#### MINISTRY OF THE ATTORNEY GENERAL

- 7. Section 9 of the Charitable Gifts Act, being chapter 63 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 9. Every person who contravenes any provision of this Act Offence is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.
- 8.—(1) Subsection 36 (2) of the Children's Law Reform Act, being chapter 68 of the Revised Statutes of Ontario, 1980, as

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re-enacted by the Statutes of Ontario, 1986, chapter 8, section 4, is repealed and the following substituted therefor:

Offence

- (2) A person who contravenes a restraining order is guilty of an offence and on conviction is liable to either or both a fine of \$5,000 and imprisonment for a term of not more than three months for a first offence and not more than two years for a subsequent offence.
- (2) Subsection 39 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

Contempt of orders of Ontario Court (Provincial Division)

- (1) In addition to its powers in respect of contempt, the Ontario Court (Provincial Division) may punish by fine or imprisonment, or both, any wilful contempt of or resistance to its process or orders in respect of custody of or access to a child, but the fine shall not in any case exceed \$5,000 nor shall the imprisonment exceed ninety days.
- 9.—(1) Section 11 of the Commissioners for taking Affidavits Act, being chapter 75 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- (2) Section 12 of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the seventh and eighth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 10. Subsection 9 (2) of the *Disorderly Houses Act*, being chapter 120 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$1,000 and not more than \$5,000" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 11.—(1) Section 3 of the *Hotel Registration of Guests Act*, being chapter 208 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$50" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$100".
- (2) Section 4 of the said Act is amended by striking out "is liable to a fine of not less than \$20 and not more than \$200" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$100".

- 12. Section 122 of the Landlord and Tenant Act, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (1a) Where a corporation is convicted of an offence under Idem subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided in subsection (1).
- 13.—(1) Subsection 2 (1) of the Minors' Protection Act, being chapter 293 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$2 and not more than \$50" in the second and third lines and inserting in lieu thereof "is liable to a fine of not less than \$50 and not more than \$500".
- (2) Section 2 of the said Act is amended by adding thereto the following subsection:
- (1a) Where a corporation is convicted of an offence under Idem, subsection (1), the minimum fine shall be \$200 and the maximum fine \$25,000.

- **14.**—(1) Subsection 6 (1) of the *Notaries Act*, being chapter 319 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- (2) Subsection 6 (2) of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not more than \$1,000".
- (3) Subsection 6 (3) of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$1,000" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 15.—(1) Section 22 of the Public Accountancy Act, being chapter 405 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$100 and not more than \$250" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (2) Subsection 23 (1) of the said Act is amended by striking out "is liable to a fine of not less than \$10 and not more than \$25, and to a further fine of not less than \$3 and not more than \$5 for every day on which the offence continues after convic-

tion" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".

- (3) Subsection 23 (2) of the said Act is amended by striking out "is liable to a fine of not less than \$50 and not more than \$100 and, in the case of a continuing offence, to a further fine of not less than \$15 and not more than \$25 for every day on which the offence continues after conviction" in the ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (4) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

Offence

- (3) Any person who contravenes any provision of this section, without prejudice to any other proceedings that may be taken, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$25,000 for any subsequent offence.
- (5) Subsection 25 (1) of the said Act is repealed and the following substituted therefor:

Prohibition against a body corporate carrying on business as public accountant

- (1) It is not lawful for a body corporate to practise as a public accountant and any body corporate that contravenes the provisions of this subsection, without prejudice to any other proceedings that may be taken, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$25,000 for any subsequent offence.
- 16. Section 3 of the *Public Halls Act*, being chapter 408 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$500" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 17. Section 2 of the *Ticket Speculation Act*, being chapter 499 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$5 and not more than \$50" in the eleventh and twelfth lines and inserting in lieu thereof "is liable to a fine of not more than \$5,000".
- 18. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

## SCHEDULE

# Ministry of the Attorney General

Title of Act	Provision	Column 1	Column 2
Architects Act, 1984	46(1) 46(2) 46(2) 46(2) 46(3) 46(4) 46(4) 46(5) 46(6) 47(1) 47(2)	\$15,000 30,000 5,000 15,000 5,000 15,000 30,000 30,000 5,000 5,000	\$25,000 50,000 10,000 25,000 10,000 25,000 50,000 50,000 10,000 10,000
Blind Person's Rights Act	6(1) 6(2)	1,000	5,000 500
Compensation for Victims of Crime Act	13(2) 13(3)	2,000 25,000	5,000 50,000
Courts of Justice Act, 1984	146(4)	10,000	25,000
Dog Owners' Liability Act	4 ( 4 )	2,000	5,000
Estates Administration Act	19a(8) 19a(9)	2,000 5,000	5,000 10,000
Family Law Act, 1986	24(5)(a) 46(2)(a) 49(1)	1,000 1,000 1,000	5,000 5,000 5,000
Hotel Registration of Guests Act	5(2)	100	500
Innkeepers Act	7 (3)	50	500
Juries Act	42(1) 42(2) 42(3) 45(3)	5,000 2,000 1,000 5,000	10,000 5,000 5,000 10,000
Landlord and Tenant Act	122(1)	2,000	5,000
Metropolitan Toronto Police Force Complaints Act, 1984	30	2,000	5,000
Mortgages Act	4(2)	50	200
Pawnbrokers Act	29(1)	500	2,000
Professional Engineers Act, 1984	41(1) 41(1) 41(2) 41(2) 41(3) 41(3) 41(4) 41(5) 41(6) 42(1) 42(2)	15,000 30,000 5,000 15,000 5,000 15,000 30,000 30,000 5,000 5,000	25,000 50,000 10,000 25,000 10,000 25,000 10,000 50,000 10,000
Provincial Offences Act	12(1) 43(1) 60(3) 62 70(5) 86	300 1,000 2,000 2,000 25 1,000	500 2,000 5,000 5,000 50 2,000
Public Institutions Inspection Act	5(2)	5,000	10,000
Trespass to Property Act	2(1)	1,000	2,000

# **PART III**

### MINISTRY OF COLLEGES AND UNIVERSITIES

- 19.—(1) Subsection 89 (1) of the Colleges Collective Bargaining Act, being chapter 74 of the Revised Statutes of Ontario, 1980, is amended by striking out "\$500" in the third line and inserting in lieu thereof "\$1,000".
- (2) Subsection 89 (2) of the said Act is amended by striking out "\$10,000" in the third line and inserting in lieu thereof "\$25,000".

# **PART IV**

### MINISTRY OF COMMUNITY AND SOCIAL SERVICES

- **20.**—(1) Subsection 21 (2) of the *Day Nurseries Act*, being chapter 111 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- Idem
- (2) Every person who contravenes the provisions of section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both.
- (2) The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

### Ministry of Community and Social Services

Title of Act	Provision	Column 1	Column 2
Child and Family Services Act, 1984	160(4)	\$ 5,000	\$25,000
Day Nurseries Act	21(1)	1,000	2,000
Family Benefits Act	19(3)	500	5,000
General Welfare Assistance Act	16(3)	100	5,000
Ministry of Community and and Social Services Act	6c(4)	2,000	5,000

## PART V

### MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

- **21.** Subsection 13 (2) of the Athletics Control Act, being chapter 34 of the Revised Statutes of Ontario, 1980, is amended by striking out "to a fine of not less than \$20 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "to a fine of not more than \$10,000".
- 22. Section 41 of the *Boilers and Pressure Vessels Act*, being chapter 46 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **41.** Every person who contravenes any of the provisions of Offences this Act or the regulations, or any direction or order given to the person by an inspector, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000.
- 23. Subsection 30 (1) of the *Elevating Devices Act*, being chapter 135 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000".
- **24.** Section 27 of the *Energy Act*, being chapter 139 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more \$10,000 or to imprisonment for a term of not more than one year, or to both" in the twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000".
- 25. Section 17 of the Gasoline Handling Act, being chapter 185 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (2) Where a corporation is convicted of an offence under Idem, subsection (1), the maximum fine that may be imposed is \$100,000.

26. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

# SCHEDULE Ministry of Consumer and Commercial Relations

Title of Act	Provision	Column 1	Column 2
Amusement Devices Act, 1986	17(1)	\$10,000	\$ 25,000
	17(1)	25,000	100,000
	17(2)	10,000	25,000
Bailiffs Act	18(1)	1,000	5,000
Business Practices Act	17(1)	2,000	25,000
	17(2)	2,000	25,000
	17(3)	25,000	100,000
Collection Agencies Act	28(1)	2,000	25,000
	28(2)	25,000	100,000
Condominium Act	55(a) 55(b)	25,000	100,000
Consumer Protection Act	39(1)	2,000	25,000
	39(2)	25,000	100,000
Consumer Reporting Act	22(1)	2,000	25,000
	22(2)	25,000	100,000
Discriminatory Business	16(1)	5,000	25,000
Practices Act	16(2)	50,000	100,000
Gasoline Handling Act	17	10,000	25,000
Liquor Licence Act	55(1)	10,000	25,000
	55(5)	25,000	100,000
Motor Vehicle Dealers Act	22(1)	2,000	25,000
	22(2)	25,000	100,000
Ontario New Home	22(1)	2,000	25,000
Warranties Plan Act	22(2)	25,000	100,000
Paperback and Periodical	15(1)	2,000	25,000
Distributors Act	15(2)	25,000	100,000
Real Estate and Business	50(1)	2,000	25,000
Brokers Act	50(2)	25,000	100,000
Theatres Act	61(1)	2,000	25,000
	61(2)	25,000	100,000
Travel Industry Act	25(1)	2,000	25,000
	25(2)	25,000	100,000

### PART VI

### MINISTRY OF CULTURE AND COMMUNICATIONS

- 27. Subsection 11 (2) of the Centennial Centre of Science and Technology Act, being chapter 60 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the second and third lines.
- 28.—(1) Subsection 69 (1) of the Ontario Heritage Act, being chapter 337 of the Revised Statutes of Ontario, 1980, is

amended by striking out "\$10,000" in the third last line and inserting in lieu thereof "\$50,000".

- (2) Subsection 69 (2) of the said Act is amended by striking out "\$50,000" in the third line and inserting in lieu thereof "\$250,000".
- **29.** Subsection 16 (2) of the *Science North Act*, 1986, being chapter 5, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the second and third lines.
- **30.**—(1) Subsection 15 (2) of the *Telephone Act*, being chapter 496 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the third and fourth lines.
- (2) Section 107 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (3) Subsection 109 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (4) Subsection 110 (1) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the sixth and seventh lines.
- (5) Subsection 110 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (6) Section 111 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the fifth, sixth and seventh lines.
- (7) Section 112 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the sixth, seventh and eighth lines.
- (8) Section 113 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the sixth, seventh and eighth lines.
- (9) Section 114 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to

imprisonment for a term of not more than thirty days, or to both" in the eighth, ninth and tenth lines.

(10) Subsection 115 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each day during which the default continues" in the third and fourth lines.

### **PART VII**

### MINISTRY OF EDUCATION

31. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

# Ministry of Education

Title of Act	Provision	Column 1	Column 2
Education Act	15(4) 15(5) 15(6) 15(9) 29(1) 29(3) 187 188(1) 188(2) 189(1) 189(2) 190 193(4) 228(7)	\$ 25 100 200 200 100 100 100 100 100 100 100	\$ 50 200 500 200 200 200 200 200 200 200 2
School Boards and Teachers Collective Negotiations Act	77(1) 77(2)	500 10,000	1,000 25,000

### PART VIII

### MINISTRY OF THE ENVIRONMENT

32. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

### Ministry of the Environment

Title of Act	Provision	Column 1	Column 2
Environmental Assessment Act	39	\$ 5,000	\$10,000
	39	10,000	25,000

Environmental Protection Act	72 78(1) 78(1) 78(2) 78(2) 78a(1) 78a(1) 78a(1) 78a(2) 146(3) 146(3) 146(4) 146(4) 146(4) 146a(1) 147(1) 147(1) 147(2) 147(2) 147(3) 147(3) 147(4)	1,000 500 1,000 1,000 2,000 1,000 2,000 3,000 6,000 5,000 10,000 25,000 50,000 100,000 15,000 50,000 100,000 100,000 25,000 50,000	2,000 1,000 2,000 5,000 5,000 5,000 10,000 10,000 25,000 100,000 200,000 200,000 200,000 25,000 100,000 25,000 100,000 25,000 100,000
Ontario Water Resources Act	67(1)	5,000	10,000
	67(1)	10,000	25,000
	67(2)	25,000	50,000
	67(2)	50,000	100,000
	68(2)	50,000	100,000
	68(2)	100,000	200,000
Pesticides Act	34a(1)	5,000	10,000
	34a(1)	10,000	25,000
	34a(2)	25,000	50,000
	34a(2)	50,000	100,000
	34c(2)	50,000	100,000
	34c(2)	100,000	200,000

### PART IX

### MINISTRY OF FINANCIAL INSTITUTIONS

- 33. Subsection 55 (1) of the Commodity Futures Act, being chapter 78 of the Revised Statutes of Ontario, 1980, is amended by striking out "in the case of a company or a person other than an individual, to a fine of not more than \$25,000 and, in the case of an individual, to a fine of not more than \$2,000" in the second, third, fourth and fifth last lines and inserting in lieu thereof "to a fine of not more than \$1,000,000".
- 34. Section 14 of the Compulsory Automobile Insurance Act, being chapter 83 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 14.—(1) Except where otherwise provided, every person General and every director or officer of an insurer who commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 in the case of an individual and \$200,000 in the case of a corporation.

Minimum fine: insurers

(2) If an insurer is convicted of an offence under subsection (1), the fine shall not be less than \$5,000.

Suspension or cancellation of licence of insurer

(3) In addition to any penalty imposed under this Act, where the person who contravenes this Act or the regulations is an insurer, the Lieutenant Governor in Council may, by order and upon the report of the Superintendent, suspend or cancel the insurer's licence issued under the *Insurance Act*.

R.S.O. 1980, c. 218 Contravention by

Association

- (4) Where the Association commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$5,000 and not more than \$200,000.
- 35. Section 19 of the *Prepaid Hospital and Medical Services* Act, being chapter 388 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- 19. Every person not registered under this Act who contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 in the case of an individual and not more than \$200,000 in the case of a corporation.
- **36.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

# Ministry of Financial Institutions

Title of Act	Provision	Column 1	Column 2
Commodity Futures Act	55(3)	\$ 2,000	\$1,000,000
Co-operative Corporations Act	173(1) 174(1) 174(1) 174(2) 176(1) 176(1) 176(2)	2,000 2,000 20,000 2,000 1,000 10,000 1,000	10,000 10,000 50,000 10,000 5,000 100,000 5,000
Credit Unions and Caisses Populaires Act	141(1) 141(2) 143(1) 143(2) 144(1) 144(1) 144(2)	2,000 2,000 50 50 2,000 10,000 2,000	10,000 10,000 200 200 5,000 100,000 5,000
Deposits Regulation Act	8(1) 8(2) 8(3)	5,000 25,000 5,000	100,000 200,000 100,000

Mortgage Brokers Act	31(1) 31(2)	2,000 25,000	100,000
Registered Insurance	34(1)	5,000	100,000

### PART X

### MINISTRY OF HEALTH

- 37. Section 9 of the *Cancer Remedies Act*, being chapter 58 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **9.** Every person who contravenes a provision of this Act Offence or who fails or neglects to obey any order, direction or requirement of the Commission is guilty of an offence and on conviction is liable for a first offence to a fine of not less than \$200 and not more than \$1,000 and for any subsequent offence to a fine of not less than \$1,000 and not more than \$5,000.
- 38. Section 9 of the *Dental Technicians Act*, being chapter 114 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of \$100 for a first offence, \$200 for a second offence, and \$300 for a third or subsequent offence" in the seventh, eighth and ninth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 39. Subsection 9 (1) of the Radiological Technicians Act, being chapter 430 of the Revised Statutes of Ontario, 1980, is amended,
  - (a) by striking out "\$100" in the fourth last line and inserting in lieu thereof "\$2,500";
  - (b) by striking out "\$200" in the fourth last line and inserting in lieu thereof "\$5,000";
  - (c) by striking out "\$200" in the third last line and inserting in lieu thereof "\$4,000"; and
  - (d) by striking out "\$500" in the second last line and inserting in lieu thereof "\$10,000".
- **40.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

# Ministry of Health

Title of Act	Provision	Column 1	Column 2
Ambulance Act	23(1) 23(2) 23(3)	\$ 1,000 10,000 500	\$ 2,000 25,000 1,000
Chiropody Act	6	100	25,000
Denture Therapists Act	27(1) 27(1) 27(2) 27(2) 27(3) 32(1) 32(2)	2,000 2,000 1,000 2,000 2,000 5,000 5,000	25,000 25,000 5,000 10,000 10,000 10,000
Drugless Practitioners Act	8	100	25,000
Healing Arts Radiation Act	23(1) 23(2)	5,000 25,000	10,000 50,000
Health Care Accessibility Act, 1986	8(1) 8(1)	250 1,000	2,000 2,000
Health Disciplines Act	18(1) 18(2) 18(2) 18(2) 18(2) 37(5)(e) 43(1) 43(2) 43(3) 60(5)(e) 67(1) 67(2) 67(2) 67(2) 67(3) 83(5)(e) 88(1) 88(2) 88(2) 105(5)(e) 112(1) 112(1) 112(2) 112(2) 112(3) 130(5)(e) 162(1) 162(2) 162(2)	5,000 5,000 5,000 5,000 1,000 2,	10,000 10,000 10,000 25,000 5,000 10,000 25,000 5,000 10,000 25,000 10,000 25,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 25,000 10,000 25,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000 25,000
Health Insurance Act	50	2,000	5,000
Hypnosis Act	5 5 5 5	100 1,000 200 2,000	500 5,000 2,500 25,000
Mental Health Act	64	10,000	25,000
Mental Hospitals Act	8 8	10 100	20 1,000

27

500

1,000

# PART XI

Public Hospitals Act

### MINISTRY OF HOUSING

- **41.**—(1) Subsection 122 (1) of the *Residential Rent Regulation Act*, 1986, being chapter 63, is amended by striking out "\$2,000" in the last line and inserting in lieu thereof "\$5,000".
- (2) Subsection 122 (2) of the said Act is amended by striking out "\$25,000" in the third line and inserting in lieu thereof "\$50,000".

### PART XII

### MINISTRY OF INDUSTRY, TRADE AND TECHNOLOGY

- **42.**—(1) Subsection 11 (3) of the *Ministry of Industry and Trade Act*, 1982, being chapter 31, is amended by striking out "\$2,000" in the last line and inserting in lieu thereof "\$10.000".
- (2) Subsection 11 (4) of the said Act is amended by striking out "\$25,000" in the last line and inserting in lieu thereof "\$100,000".

# PART XIII

### MINISTRY OF LABOUR

- 43. Section 13 of the *Employment Agencies Act*, being chapter 136 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$500" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$5,000 or, if the person is a body corporate, to a fine of not more than \$50,000".
- **44.** Section 4 of the Government Contracts Hours and Wages Act, being chapter 190 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- **45.**—(1) Subsections 19 (1) and (3) of the *Industrial Standards Act*, being chapter 216 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Offence

(1) Every employer who contravenes a schedule that is applicable to the employer or who permits or condones work in contravention thereof is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 and, in default of payment, to imprisonment for a term of not more than six months, and, where the conviction is for failing to pay the minimum rate of wages prescribed by the schedule, shall be ordered to pay to the Director, as an additional penalty, the full amount of the wages found to be unpaid to any employee under the schedule, and the Director, in the Director's discretion, may direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

Offence

- (3) Every employee who contravenes a provision of a schedule is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.
- (2) Section 20 of the said Act is repealed and the following substituted therefor:

Offence

**20.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction, where no penalty has been specifically provided, is

liable to a fine of not more than \$50,000 and, in default of payment, to imprisonment for a term of not more than six months.

- **46.** Subsection 9 (5) of the *Ministry of Labour Act*, being chapter 284 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$300" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- **47.** Subsection 77 (8) of the Workers' Compensation Act, being chapter 539 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 28, is amended by adding at the end thereof "and on conviction is liable to a fine of not more than \$5,000".
- **48.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

# SCHEDULE Ministry of Labour

#### Column 1 Column 2 Title of Act Provision Crown Employees Collective 44(1) 500 \$ 2,000 44(2) 5,000 25,000 Bargaining Act Employment Standards Act 2,000 57(3) 50,000 59(1) 10,000 Labour Relations Act 1,000 2,000 96(1) 25,000 96(1) Ministry of Labour Act 9(4) 20 25,000 500 25,000 4 25,000 One Day's Rest in Seven Act 26(1) 2,000 5,000 Pay Equity Act, 1987 25,000 26(1) 50,000 10,000 Workers' Compensation Act 52(9) 50 10,000 50 10,000 69(2) 97(6) 99(3) 500 25,000 500 25,000 25,000 500 102(2) 118(3) 50 5,000 200 25,000 118(3) 20 121(2) 200 25,000

# **PART XIV**

### MINISTRY OF MUNICIPAL AFFAIRS

- 49.—(1) Subsection 48 (4) of the County of Oxford Act, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 98 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 103 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **50.**—(1) Subsection 47 (5) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 88 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third line.
- (3) Section 93 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 51. Subsection 11 (5) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$1,000" in the fourth and fifth lines.
- **52.**—(1) Subsection 36 (6) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

(6) The clerk is guilty of an offence if the certificate is not sent within the prescribed time or if the clerk certifies to a larger number of electors than the last revised polling lists show.

- (2) Subsection 211 (21) of the said Act is repealed and the following substituted therefor:
- (21) Despite section 321, a by-law passed under this section Fines may provide that a person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,
  - (a) \$50,000; or
  - (b) the gross sales of the shop during the period the shop was open in contravention of the by-law.
- (3) Clause (g) of paragraph 1 of subsection 230 (1) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$5" in the fifth, sixth and seventh lines.
- (4) Clause (g) of paragraph 17 of section 232 of the said Act is amended by striking out "and on conviction is liable to a fine equal to the licence fee that he should have paid and in addition thereto the sum of not less than \$10 and not more than \$200" in the second, third, fourth and fifth lines.
- (5) Clause (h) of paragraph 17 of the said section 232 is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$10" in the fifth, sixth and seventh lines.
- (6) Subsection 297 (3) of the said Act is amended by striking out "and on conviction is liable to a fine of \$5" in the second and third lines.
- (7) Subsection 297 (4) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50" in the fourth and fifth lines.
- (8) Section 321 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 24, section 13, is amended by striking out "and for providing for the imposition of fines of not more than \$2,000 on every person who is convicted of an offence under any such by-law" in the fifth, sixth and seventh lines.
- 53.—(1) Section 19 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **19.**—(1) Any municipality, member of council or of a local Offence board or an officer thereof or any other person guilty of any

wilful breach of any of the provisions of this Part or of any order of the Ministry made thereunder is guilty of an offence.

Idem

- (2) If the person convicted of an offence under subsection (1) is a member of a council or a local board, the person is, upon conviction and in addition to any other penalty provided by law, disqualified from holding any municipal office for a period of two years.
- (2) Subsection 58 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$25 and not more than \$500 for each offence" in the tenth and eleventh lines.
- 54.—(1) Subsection 93 (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 110 (11) of the said Act is amended by striking out "and on conviction is liable to a fine of \$50 for the first offence and \$300 for each subsequent offence" in the second, third and fourth lines.
- (3) Subsection 227 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (4) Section 231 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 55. Subsection 24 (4) of the *Niagara Escarpment Planning* and *Development Act*, being chapter 316 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (4) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable.
  - (a) on a first conviction to a fine of not more than \$25,000; and
  - (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

(4a) Notwithstanding subsection (4), if a corporation is con- Corporation victed under subsection (1), the maximum penalty that may be imposed is,

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- **56.**—(1) Subsection 31 (22) of the *Planning Act*, 1983, being chapter 1, is amended by striking out "is liable to a fine of not more than \$500 for each day that the contravention has continued" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$10,000 for any subsequent offence".
- (2) Section 31 of the said Act is amended by adding thereto the following subsection:
- (22a) Notwithstanding subsection (22), if a corporation is Idem, convicted of an offence under subsection (22), the maximum penalty that may be imposed upon the corporation is \$10,000 for a first offence and \$50,000 for any subsequent offence.

corporation

- (3) Subsection 33 (13) of the said Act is amended by striking out "or to imprisonment for a term of not more than six months, or to both" in the sixth and seventh lines.
- (4) Subsection 67 (2) of the said Act is amended by striking out "or to imprisonment for a term of not more than six months, or to both" in the sixth and seventh lines.
- 57. Subsection 19 (2) of the Public Parks Act, being chapter 417 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20; or may be imprisoned for a term of not more than thirty days; and is liable to an action at the suit of the board to make good any damage done by him" in the second, third, fourth and fifth lines.
- **58.**—(1) Section 12 of the *Public Utilities Act*, being chapter 423 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$300 or may be imprisoned without the option of a fine for a term of not more than one month" in the eleventh, twelfth, thirteenth and fourteenth lines.

- (2) Section 13 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$300 or may be imprisoned, without the option of a fine, for a term of not more than one month" in the first, second and third last lines.
- (3) Section 52 of the said Act is amended by striking out "of not more than \$300" in the eighth line.
- (4) Section 53 of the said Act is amended by striking out "of not more than \$300" in the sixth and seventh lines.
- 59.—(1) Subsection 48 (4) of the Regional Municipality of Durham Act, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 110 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 115 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **60.**—(1) Subsection 47 (4) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 92 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 97 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **61.**—(1) Subsection 47 (4) of the Regional Municipality of Halton Act, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not

more than \$500 for a second or subsequent offence' in the second, third, fourth and fifth lines.

- (2) Subsection 103 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 108 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **62.**—(1) Subsection 46 (4) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 114 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 119 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 63.—(1) Subsection 87 (5) of the Regional Municipality of Niagara Act, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 142 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third and fourth lines.
- (3) Section 147 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **64.**—(1) Subsection 72 (5) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.

- (2) Subsection 133 (39) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 138 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 65.—(1) Subsection 47 (4) of the Regional Municipality of Peel Act, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 98 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 103 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **66.**—(1) Subsection 63 (5) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 84 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 89 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 67.—(1) Subsection 82 (4) of the Regional Municipality of Waterloo Act, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.

- (2) Subsection 132 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 137 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **68.**—(1) Subsection 83 (5) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 134 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third line.
- (3) Section 139 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the seventh and eighth lines.
- **69.** Subsection 7 (1) of the *Road Access Act*, being chapter 457 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$2,000" in the second and third lines.
- 70.—(1) Section 7 of the Snow Roads and Fences Act, being chapter 477 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20" in the fifth and sixth lines.
- (2) Section 8 of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20" in the fourth and fifth lines.
- (3) Subsection 12 (4) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$50" in the fifth and sixth lines.
- 71. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

### Ministry of Municipal Affairs

Title of Act	Provision	Column 1	Column 2
Municipal Act	321b(1)	\$ 5,000	\$ 10,000
	321b(1)	10,000	25,000
	321b(2)	25,000	50,000
	321b(2)	50,000	100,000
	328(1)	10,000	25,000
	328(2)	25,000	50,000
Municipal Elections Act	96 97 98 99 100 101 102 103(1) 104 135(1) 135(2) 177(1) 177(2) 178 179 180 181	2,000 2,000 2,000 2,000 2,000 2,000 2,000 10,000 1,000 1,000 1,000 1,000 1,000	5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000
Planning Act, 1983	33(13)	20,000	50,000
	66(1)	20,000	25,000
	67(2)	2,000	5,000

### **PART XV**

### MINISTRY OF NATURAL RESOURCES

72. Section 6 of the *Endangered Species Act*, being chapter 138 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- **6.** Any person who contravenes this Act is guilty of an offence and on conviction is liable to a fine of not more than \$50,000, or to imprisonment for a term of not more than two years, or to both.
- 73. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

### Ministry of Natural Resources

Title of Act	Provision	Column 1	Column 2
Game and Fish Act	19 91	\$5,000 5,000	\$25,000 25,000
Provincial Parks Act	22(1)	500	5,000

# PART XVI

### MINISTRY OF NORTHERN DEVELOPMENT AND MINES

- 74.—(1) Section 169 of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both" in the second, third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$30,000 for every day upon which the offence occurs or continues".
- (2) Subsection 172 (1) of the said Act is amended by striking out "is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (3) Subsection 172 (2) of the said Act is amended by striking out "is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both" in the fourth, fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (4) Subsection 173 (2) of the said Act is amended by striking out "\$1,000" in the second last line and inserting in lieu thereof "\$30,000".
- (5) Section 174 of the said Act is amended by striking out "a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "a fine of not more than \$10,000".

### PART XVII

## MINISTRY OF REVENUE

- 75. Subsection 12 (2a) of the Assessment Act, being chapter 31 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 28, section 3, is amended by striking out "an amount of not less than \$50 and not more than \$500" in the seventh and eighth lines and inserting in lieu thereof "an amount of not more than \$2,000".
- **76.** Subsection 24 (1) of the *Employee Share Ownership Plan Act*, 1988, being chapter 3, is amended by striking out "is liable to a fine of not more than \$2,000 or if such person is a

corporation to a fine of not more than \$20,000" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".

- 77.—(1) Subsection 4 (8) of the *Fuel Tax Act, 1981*, being chapter 59, is amended by striking out "is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than \$100 and not more than \$5,000" in the third, fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than double the amount of the tax that the person failed to pay".
- (2) Subsection 8 (12) of the said Act is amended by striking out "is liable to a fine of not more than \$5,000" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$5,000".
- (3) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Offence

- (1) Every person who makes a false statement in any return or information made or furnished to the Minister under this Act is guilty of an offence and is liable to a fine of not less than \$500 and not more than \$10,000 plus an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or to imprisonment for a term of not more than two years or to both fine and imprisonment.
- (4) Subsection 25 (2) of the said Act is amended by striking out "is liable to a fine of not more than \$20,000" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$1,000 and not more than \$10,000".
- 78.—(1) Subsection 20 (1) of the Gasoline Tax Act, being chapter 186 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Penalty for failure to collect tax

- (1) Every person required to collect the tax imposed by this Act who fails to collect the tax is liable on conviction to a fine of 30 cents per litre of gasoline on which tax should have been collected as determined under subsection (4).
- (2) Subsection 21 (1) of the said Act is amended by striking out "is liable to a fine of not less than \$25 for each day during which the default continues" in the third and fourth lines and inserting in lieu thereof "is liable to a penalty of not less than \$50 and not more than 5 per cent of the tax that should have been remitted or declared".

- (3) Section 22 of the said Act is amended by striking out "is liable on conviction to a fine of not less than \$200 and not more than" in the fourth and fifth last lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than \$10,000 plus".
- (4) Section 23 of the said Act is repealed and the following substituted therefor:
- 23. Every person who contravenes any of the provisions General of this Act or the regulations for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,000.

- 79.—(1) Section 5 of the Land Transfer Tax Act, being chapter 231 of the Revised Statutes of Ontario, 1980, as reenacted by the Statutes of Ontario, 1983, chapter 20, section 4, is amended by striking out "is liable on conviction to a fine of the amount of the tax that, had the true facts been stated, would have been payable, plus an amount of not less than \$50 and not more than \$1,000" in the sixth, seventh, eighth and ninth lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than double the amount of the tax that, had the facts been truthfully stated, would have been payable".
- (2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 21, section 4, is repealed and the following substituted therefor:
- (1) Every person who knowingly contravenes any provision Offence of this Act or who knowingly makes an affidavit required by this Act that falsely discloses the value of the consideration for any conveyance of land or falsely states that a person who is a non-resident person is not a non-resident person or falsely states whether the land being conveyed contains at least one and not more than two single family residences is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax that was not paid to the collector as provided for in this Act plus an amount of not more than \$5,000.
- **80.** Section 20 of the *Mining Tax Act*, being chapter 269 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 17, is amended by striking out "is liable on conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded" in the second, third, fourth, fifth and sixth last lines and inserting in lieu thereof "is liable on conviction to a fine of

not less than the greater of \$500 or 50 per cent of the amount of the tax that should have been shown to be payable or that was sought to be evaded and not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded".

**81.** Subsection 16 (1) of the *Ontario Guaranteed Annual Income Act*, being chapter 336 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (1) Every person who does any of the following is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$1,000:
  - 1. Knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 2. Knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a an increment under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 3. Knowingly, converts to the person's own use a payment of an increment under this Act to which the person is not entitled.

Idem

- (1a) Every person who contravenes section 11 is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000.
- 82. Subsection 17 (2) of the *Ontario Home Ownership Savings Plan Act*, 1988, being chapter 35, is amended by striking out "is liable to a fine of not more than \$2,000, or if such person is a corporation to a fine of not more than \$20,000" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- 83. Subsection 15 (1) of the Ontario Pensioners Property Tax Assistance Act, being chapter 352 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

\$50 and not more than \$1,000:

- (1) Every person who does any of the following is guilty of Offence an offence and on conviction is liable to a fine of not less than
  - 1. Knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 2. Knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 3. Knowingly, converts to the person's own use a payment of a grant under this Act to which the person is not entitled.
- (1a) Every person who contravenes section 11 or 16 is <sup>Idem</sup> guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000.
- <u>84.</u> Subsection 30 (1) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$2,000 or if such person is a corporation to a fine of not more than \$20,000" in the eighth, ninth and tenth lines and inserting in lieu thereof "is liable to a fine of not less than 25 per cent and not more than 200 per cent of the amount of the grant or tax credit sought or received or to imprisonment for a term of not more than two years, or to both a fine and imprisonment".
- <u>85.</u>—(1) Subsection 9 (4) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of \$200" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$50 and not more than 5 per cent of the amount of the tax that would have been reported had the return been properly completed and filed".
- (2) Subsection 18 (3) of the said Act is amended by striking out "is liable on conviction to a fine of not less than 25 per cent of the tax that should have been declared to be collectable or payable or that was sought to be evaded and to not more than double the amount of such tax" in the second, third, fourth

and fifth last lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than \$10,000 plus not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded".

(3) Subsection 21 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 4, section 4, is repealed and the following substituted therefor:

Penalty for selling tobacco with no wholesale dealer's permit

- (1) Every person who sells tobacco in Ontario for resale without holding a subsisting wholesale dealer's permit issued under this Act shall, when assessed therefor, pay a penalty of not less than \$200 and not more than \$2,000 plus a penalty computed as follows:
  - 1. 12 cents for every cigarette so sold.
  - 2. 6.6 cents for every gram or part thereof of any tobacco, other than cigarettes or cigars, so sold.
  - 3. 135 per cent of the price at which each cigar was so sold.
- (4) Subsections 23 (1) and (2) of the said Act are repealed and the following substituted therefor:

General penalty (1) Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to a term of imprisonment of not less than three months and not more than six months, or to both a fine and imprisonment.

Offence

- (2) Every person who purchases tobacco for resale from any person who is not designated a collector according to the regulations is guilty of an offence and on conviction is liable to a fine equal to the amount of tax that would be exigible on the tobacco so purchased if such tobacco had been purchased by a consumer and is in addition liable to imprisonment for a term not exceeding six months.
- <u>86</u>. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

## Ministry of Revenue

Title of Act	Provision	Column 1	Column 2
Assessment Act	12(1) 12(1) 12(2) 12(3) 57(1)	\$ 100 10 200 200 200	\$1,000 100 2,000 2,000 2,000
Corporations Tax Act	98	500	5,000
Fuel Tax Act, 1981	4(9) 5(2) 5(2) 5(3) 5(3) 8(11) 8(13) 10(4) 22(8) 27 28	100 100 500 100 500 1,000 50 50 200 100 50	200 200 1,000 200 1,000 200 200 200 2,000 200 200 5,000
Gasoline Tax Act	8(4) 20(3) 21(2)	200 200 25	500 500 50
Land Transfer Tax Act	8(5)	25	50
Mining Tax Act	14(2) 19(1) 19(2)	200 50 25	2,000 200 200
Ontario Guaranteed Annual Income Act	15(5)	25	50
Ontario Home Ownership Savings Plan Act, 1988	17(1)	2,000	5,000
Provincial Land Tax Act	35 35 36 37	100 10 500 200	500 50 2,000 2,000
Race Tracks Tax Act, 1988	12(7) 13(8)	2,500	5,000 2,000
Retail Sales Tax Act	11 30(3) 41(1)	2,000 100 2,000	10,000 500 5,000

# **PART XVIII**

### MINISTRY OF SKILLS DEVELOPMENT

<u>87.</u> Subsection 26 (1) of the Apprenticeship and Tradesmen's Qualification Act, being chapter 24 of the Revised Statutes of Ontario, 1980, is amended by striking out "\$1,000" in the last line and inserting in lieu thereof "\$2,000".

# **PART XIX**

### MINISTRY OF THE SOLICITOR GENERAL

- 88.—(1) Section 15 of the *Fire Marshals Act*, being chapter 166 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$20" in the third and fourth last lines and inserting in lieu thereof "is liable to a fine of not more than \$1,000 for a first offence and to a fine of not more than \$5,000 for any subsequent offence".
- (2) Subsection 18 (14) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 8, section 2, is amended by striking out "is liable to a fine of not less than \$100 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 89. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

# Ministry of the Solicitor General

Title of Act	Provision	Column 1	Column 2
Fire Marshals Act	18(18)	\$ 2,000	\$10,000
	18(19)	2,000	10,000
	18a(5)	2,000	25,000
	18a(6)	10,000	50,000
Private Investigators and	32(1)	2,000	5,000
Security Guards Act	32(2)	25,000	50,000
Public Works Protection Act	2(4)	100	500
	5(1)	100	500

### PART XX

### MINISTRY OF TOURISM AND RECREATION

**90.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULE

### Ministry of Tourism and Recreation

Title of Act	Provision	Column 1	Column 2
Ministry of Tourism and Recreation Act, 1982	10(3) 10(4)	\$ 2,000 25,000	\$ 5,000 50,000
Niagara Parks Act	20	500	10,000
Provincial Parks Act	22(1)	500	1,000

1989	PROVINCIAL PENALTI	ES ADJUSTMENT	Bill 92	37
St. Clair Pa	rkway Commission	19(1)	300	500
St. Lawrence Commission		18(1)	100	500
Tourism Act		15(1) 15(2)	1,000	5,000

### **PART XXI**

### MINISTRY OF TRANSPORTATION

- <u>91.</u> Subsection 42 (6) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - (6) Every person who contravenes any of the provisions of, Offence
    - (a) subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100;
    - (b) subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$1,000;
    - (c) subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than \$20 and not more than \$100;
    - (d) subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.
- **92.**—(1) Subsection 11 (3) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$500" in the last line and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$1,000".
- (2) Subsection 11 (4) of the said Act is amended by striking out "is liable to a fine of not more than \$500" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$1,000".
- 93.—(1) Subsection 28 (5) of the *Public Transportation and Highway Improvement Act*, being chapter 421 of the Revised

Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (5) Every person who without lawful authority,
  - (a) uses the King's Highway so closed to traffic while it is protected in accordance with subsection (3) is guilty of an offence and on conviction is liable to a fine of not more than \$50;
  - (b) defaces any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on conviction is liable to a fine of not more than \$200; or
  - (c) removes any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Idem

- (6) Every person who is convicted of an offence under clause (5) (a) or (b) is also liable to the Crown for any damage or injury occasioned by such wrongful use, defacement or removal.
- (2) Subsection 30 (3) of the said Act is amended by striking out "is liable to a fine of not less than \$10 per tree and not more than \$100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning" in the second, third, fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$50 and not more than \$200".
- (3) Subsection 103 (5) of the said Act is amended by striking out "is liable to a fine of not more than \$50 and is also liable to the municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement" in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof "is liable to a fine of not more than \$500".
- **94.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

### SCHEDULI

### Ministry of Transportation

Title of Act	Provision	Column 1	Colu	mn 2
Commuter Services Act	5(1)	\$ 100	\$	500
Ferries Act	8	20		500

H

lighway Traffic Act	8(2) 8(2) 9(1) 9(1) 12(1) 12(1) 13(3) 13(3) 18(10) 18(10) 30(3b) 30(3b) 30(3b) 30(3b) 30(3c) 30(3d) 30(1d) 30	50 200 50 50 50 50 50 50 40 200 100 1,000 2,000 100 500 2,000 2,000 500 2,000 500 2,000 500 500 500 500 500 500 500	100 500 100 1,000 200 1,000 2,000 2,000 2,000 2,000 2,000 5,000 1,000 5,000 1,000 1,000 1,000 1,000 1,000
	41(5) 47(4) 47(4) 52(4) 53(4) 53(4) 54(6) 54(6) 61(5) 61(5) 65(3) 83(1) 83(1) 83(2) 83(2) 86(4) 87(6) 87(6) 87(6) 87(6) 89(3) 89(3) 92(11) 92(11) 94(4) 94(4) 105(6) 105(6)	200 100 500 500 100 500 500 500 500 500 5	500 200 1,000 1,000 200 1,000 1,000 1,000 1,000 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000 200 1,000
	105(7) 105(7) 111 111 147(12) 148(2) 148(2) 151(17)(a) 151(17)(a) 151(17)(b) 160 160 163(4) 174(2) 174(2) 188(1) 189a(2) 189a(2)	50 100 100 500 5 5 500 100 500 250 1,000 100 500 5,000 100 500 40 200 100 2,000	100 200 200 1,000 200 1,000 200 1,000 2,000 2,000 1,000 2,000 1,000 200 1,000 500 500 500 500 5,000

Motorized Snow Vehicles Act	19(2) 24	500 300	1,000 1,000
Off-Road Vehicles Act, 1983	6(1) 6(1) 9 9 10(2) 10(2) 15(6) 15(6) 15(7) 15(7) 15(7)	50 200 50 500 5 10 100 100 500 100 500	100 500 1,000 20 50 200 200 2,00 1,000
Public Transportation and Highway Improvement Act	26(4) 26(4) 31(2) 31(2) 32(2) 98(5) 98(5) 98(5) 98(5)	5 50 50 1,000 5 10 100 50 500	50 200 200 5,000 50 50 500 200 2,000
Public Vehicles Act	32(2)	200	1,000
Toll Bridges Act	3(2) 3(2) 3(2)	5 10 50	50 100 500
Toronto Area Transit Operating Authority Act	9(2)	100	500

# **PART XXII**

### COMMENCEMENT AND SHORT TITLE

Commence-

<u>95.</u>—(1) This Act, except subsection 8 (2), comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Subsection 8 (2) comes into force on the day this Act receives Royal Assent or on the day section 2 of the *Courts of Justice Amendment Act*, 1989, being chapter 55, comes into force, whichever day is later.

Idem

(3) A proclamation bringing this Act or any provision of this Act into force may provide that an amendment to a provision named in a Schedule set out in this Act does not come into force until such day as is named in the proclamation or that any such provision does not come into force.

Short title

<u>96</u>. The short title of this Act is the *Provincial Penalties Adjustment Act*, 1989.





ON

38 ELIZABETH II, 1989

## Bill92

(Chapter 72 Statutes of Ontario, 1989)

# An Act to amend Fines and Terms of Imprisonment contained in certain Acts

The Hon. I. Scott Attorney General



1st Reading December 7th, 1989

2nd Reading December 13th, 1989

3rd Reading December 14th, 1989

Royal Assent December 14th, 1989



Bill 92 1989

## An Act to amend Fines and Terms of Imprisonment contained in certain Acts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## PART I

#### MINISTRY OF AGRICULTURE AND FOOD

- 1. Section 18 of the Artificial Insemination of Live Stock Act, being chapter 29 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **18.** Every person who contravenes any provision of this Offences Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000 for a first offence, and to a fine of not less than \$200 and not more than \$5,000 for a subsequent offence.
- **2.** Section 24 of the *Bees Act*, 1987, being chapter 31, is repealed and the following substituted therefor:
- **24.** Every person who contravenes any provision of this Offence Act or the regulations or any order of the Director, Provincial Apiarist, Assistant Provincial Apiarist or an inspector is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$5,000 for any subsequent offence.
- 3. Section 16 of the *Plant Diseases Act*, being chapter 380 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **16.**—(1) Except as provided in subsection (2), every person who contravenes any provision of this Act or any by-law passed under subsection 12 (1) or the regulations or any order of an inspector or the Provincial Entomologist is guilty of an offence and on conviction is liable, for a first offence, to a fine

of not more than \$2,000 and, for any subsequent offence, to a fine of not more than \$5,000 or to imprisonment for a term of not more than thirty days.

Idem

- (2) Every person who contravenes any provision of subsection 13 (3) is guilty of an offence and on conviction is liable, for a first offence, to a fine of not more than \$2,000 and, for any subsequent offence, to a fine of not more than \$5,000.
- **4.** Section 14 of the *Seed Potatoes Act*, being chapter 467 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$200" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 5. Subsection 23 (1) of the *Weed Control Act*, 1988, being chapter 51, is repealed and the following substituted therefor:

Offence

(1) A person who contravenes this Act or the regulations, or an order made under this Act, is guilty of an offence and on conviction is liable for a first offence to a fine of not less than \$500 and not more than \$2,000 and for each subsequent offence to a fine of not less than \$1,000 and not more than \$5,000.

Le paragraphe 23 (1) de la Loi de 1988 sur la destruction des mauvaises herbes, qui constitue le chapitre 51, est abrogé et remplacé par ce qui suit :

Infraction

- (1) Quiconque contrevient à la présente loi ou aux règlements, ou à un ordre donné aux termes de la présente loi, est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au moins 500 \$ et d'au plus 2 000 \$ à l'égard d'une première infraction, et d'une amende d'au moins 1 000 \$ et d'au plus 5 000 \$ à l'égard de chaque infraction subséquente.
- **6.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

#### Ministry of Agriculture and Food

Title of Act	Provision	Column 1	Column 2
Abandoned Orchards Act	9(1)	\$ 100	\$ 2,000
Agricultural Tile Drainage Installation Act	13 13	25 100	2,000

1989	PROVINCIAL PENALTIES ADJUSTMENT		Bill 92	3	
Animals for R	esearch Act	21(1) 21(1) 21(2) 21(2)	500 1,000 25 100	2,000 5,000 2,000 5,000	
Beef Cattle M	arketing Act	17	1,000	2,000	
Bull Owners'	Liability Act	1	25	2,000	
Commodity Boa Agencies Ac	rds and Marketing t	4(1)	500	2,000	
Dead Animals	Disposal Act	17	500	2,000	
Drainage Act		96	1,000	2,000	
Edible Oil Pr	oducts Act	15	500	5,000	
Farm Income S	tabilization Act	4(9)	1,000	2,000	
Fur Farms Act		10 10	100 500	2,000 5,000	
Grain Corn Ma	rketing Act, 1984	7 7	500 2,000	2,000 5,000	
Live Stock Br	anding Act	7	200	2,000	
Live Stock Co	mmunity Sales Act	19 19	500 1,000	2,000 5,000	
Live Stock Me	dicines Act	12 12	500 1,000	2,000 5,000	
Meat Inspecti	on Act (Ontario)	16 16	500 2,000	2,000 5,000	
Oleomargarine	Act	17	500	5,000	
Ontario Food	Terminal Act	16(1) 16(1)	50 200	2,000 5,000	
Pounds Act		22	10	2,000	
Riding Horse	Establishments Act	16(1) 16(1) 16(2) 16(2)	500 1,000 25 100	2,000 5,000 2,000 5,000	
Sheep and Woo Act, 1981	l Marketing	12 12	100 500	2,000 5,000	

## **PART II**

#### MINISTRY OF THE ATTORNEY GENERAL

- 7. Section 9 of the *Charitable Gifts Act*, being chapter 63 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **9.** Every person who contravenes any provision of this Act Offence is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.
- **8.**—(1) Subsection 36 (2) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as

re-enacted by the Statutes of Ontario, 1986, chapter 8, section 4, is repealed and the following substituted therefor:

Offence

- (2) A person who contravenes a restraining order is guilty of an offence and on conviction is liable to either or both a fine of \$5,000 and imprisonment for a term of not more than three months for a first offence and not more than two years for a subsequent offence.
- (2) Subsection 39 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

Contempt of orders of Ontario Court (Provincial Division)

- (1) In addition to its powers in respect of contempt, the Ontario Court (Provincial Division) may punish by fine or imprisonment, or both, any wilful contempt of or resistance to its process or orders in respect of custody of or access to a child, but the fine shall not in any case exceed \$5,000 nor shall the imprisonment exceed ninety days.
- 9.—(1) Section 11 of the Commissioners for taking Affidavits Act, being chapter 75 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- (2) Section 12 of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the seventh and eighth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 10. Subsection 9 (2) of the *Disorderly Houses Act*, being chapter 120 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$1,000 and not more than \$5,000" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 11.—(1) Section 3 of the *Hotel Registration of Guests Act*, being chapter 208 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$50" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$100".
- (2) Section 4 of the said Act is amended by striking out "is liable to a fine of not less than \$20 and not more than \$200" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$100".

- 12. Section 122 of the Landlord and Tenant Act, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (1a) Where a corporation is convicted of an offence under Idem subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided in subsection (1).
- 13.—(1) Subsection 2 (1) of the Minors' Protection Act, being chapter 293 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$2 and not more than \$50" in the second and third lines and inserting in lieu thereof "is liable to a fine of not less than \$50 and not more than \$500".
- (2) Section 2 of the said Act is amended by adding thereto the following subsection:
- (1a) Where a corporation is convicted of an offence under Idem. subsection (1), the minimum fine shall be \$200 and the maximum fine \$25,000.

- **14.**—(1) Subsection 6 (1) of the *Notaries Act*, being chapter 319 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- (2) Subsection 6 (2) of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$500" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not more than \$1,000".
- (3) Subsection 6 (3) of the said Act is amended by striking out "is liable to a fine of not less than \$25 and not more than \$1,000" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 15.—(1) Section 22 of the *Public Accountancy Act*, being chapter 405 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$100 and not more than \$250" in the sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (2) Subsection 23 (1) of the said Act is amended by striking out "is liable to a fine of not less than \$10 and not more than \$25, and to a further fine of not less than \$3 and not more than \$5 for every day on which the offence continues after convic-

tion" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".

- (3) Subsection 23 (2) of the said Act is amended by striking out "is liable to a fine of not less than \$50 and not more than \$100 and, in the case of a continuing offence, to a further fine of not less than \$15 and not more than \$25 for every day on which the offence continues after conviction" in the ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (4) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

Offence

- (3) Any person who contravenes any provision of this section, without prejudice to any other proceedings that may be taken, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$25,000 for any subsequent offence.
- (5) Subsection 25 (1) of the said Act is repealed and the following substituted therefor:

Prohibition against a body corporate carrying on business as public accountant

- (1) It is not lawful for a body corporate to practise as a public accountant and any body corporate that contravenes the provisions of this subsection, without prejudice to any other proceedings that may be taken, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$25,000 for any subsequent offence.
- **16.** Section 3 of the *Public Halls Act*, being chapter 408 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$500" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000".
- 17. Section 2 of the *Ticket Speculation Act*, being chapter 499 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$5 and not more than \$50" in the eleventh and twelfth lines and inserting in lieu thereof "is liable to a fine of not more than \$5,000".
- 18. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

SCHEDULE

## Ministry of the Attorney General

Title of Act	Provision	Column 1	Column 2
Architects Act, 1984	46(1) 46(1) 46(2) 46(2) 46(3) 46(4) 46(5) 46(5) 46(6) 47(1) 47(2)	\$15,000 30,000 5,000 15,000 5,000 15,000 30,000 30,000 5,000 5,000	\$25,000 50,000 10,000 25,000 10,000 25,000 50,000 50,000 10,000
Blind Person's Rights Act	6(1) 6(2)	1,000	5,000 500
Compensation for Victims of Crime Act	13(2) 13(3)	2,000 25,000	5,000 50,000
Courts of Justice Act, 1984	146(4)	10,000	25,000
Dog Owners' Liability Act	4 ( 4 )	2,000	5,000
Estates Administration Act	19a(8) 19a(9)	2,000 5,000	5,000 10,000
Family Law Act, 1986	24(5)(a) 46(2)(a) 49(1)	1,000 1,000 1,000	5,000 5,000 5,000
Hotel Registration of Guests Act	5(2)	100	500
Innkeepers Act	7 (3)	50	500
Juries Act	42(1) 42(2) 42(3) 45(3)	5,000 2,000 1,000 5,000	10,000 5,000 5,000 10,000
Landlord and Tenant Act	122(1)	2,000	5,000
Metropolitan Toronto Police Force Complaints Act, 1984	30	2,000	5,000
Mortgages Act	4 (2)	50	200
Pawnbrokers Act	29(1)	500	2,000
Professional Engineers Act, 1984	41(1) 41(1) 41(2) 41(2) 41(3) 41(3) 41(4) 41(5) 41(6) 42(1) 42(2)	15,000 30,000 5,000 15,000 5,000 15,000 5,000 30,000 30,000 5,000 5,000	25,000 50,000 10,000 25,000 10,000 25,000 10,000 50,000 50,000 10,000
Provincial Offences Act	12(1) 43(1) 60(3) 62 70(5) 86	300 1,000 2,000 2,000 25 1,000	500 2,000 5,000 5,000 50 2,000
Public Institutions Inspection Act	5(2)	5,000	10,000
Trespass to Property Act	2(1)	1,000	2,000

## PART III

## MINISTRY OF COLLEGES AND UNIVERSITIES

- 19.—(1) Subsection 89 (1) of the Colleges Collective Bargaining Act, being chapter 74 of the Revised Statutes of Ontario, 1980, is amended by striking out "\$500" in the third line and inserting in lieu thereof "\$1,000".
- (2) Subsection 89 (2) of the said Act is amended by striking out "\$10,000" in the third line and inserting in lieu thereof "\$25,000".

## PART IV

#### MINISTRY OF COMMUNITY AND SOCIAL SERVICES

- **20.**—(1) Subsection 21 (2) of the Day Nurseries Act, being chapter 111 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- Idem
- (2) Every person who contravenes the provisions of section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both.
- (2) The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDITLE

## Ministry of Community and Social Services

Title of Act	Provision	Column 1	Column 2
Child and Family Services Act, 1984	160(4)	\$ 5,000	\$25,000
Day Nurseries Act	21(1)	1,000	2,000
Family Benefits Act	19(3)	500	5,000
General Welfare Assistance Act	16(3)	100	5,000
Ministry of Community and and Social Services Act	6c(4)	2,000	5,000

## PART V

#### MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

- **21.** Subsection 13 (2) of the Athletics Control Act, being chapter 34 of the Revised Statutes of Ontario, 1980, is amended by striking out "to a fine of not less than \$20 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "to a fine of not more than \$10,000".
- 22. Section 41 of the *Boilers and Pressure Vessels Act*, being chapter 46 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **41.** Every person who contravenes any of the provisions of Offences this Act or the regulations, or any direction or order given to the person by an inspector, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000.
- 23. Subsection 30 (1) of the *Elevating Devices Act*, being chapter 135 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000".
- **24.** Section 27 of the *Energy Act*, being chapter 139 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more \$10,000 or to imprisonment for a term of not more than one year, or to both" in the twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000".
- 25. Section 17 of the Gasoline Handling Act, being chapter 185 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (2) Where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed is \$100,000.

Idem, corporation

**26.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

SCHEDULE

Ministry of Consumer and Commercial Relations

Title of Act	Provision	Column 1	Column 2
Amusement Devices Act, 1986	17(1)	\$10,000	\$ 25,000
	17(1)	25,000	100,000
	17(2)	10,000	25,000
Bailiffs Act	18(1)	1,000	5,000
Business Practices Act	17(1)	2,000	25,000
	17(2)	2,000	25,000
	17(3)	25,000	100,000
Collection Agencies Act	28(1)	2,000	25,000
	28(2)	25,000	100,000
Condominium Act	55(a) 55(b)	25,000 2,:30	100,000
Consumer Protection Act	39(1)	2,000	25,000
	39(2)	25,000	100,000
Consumer Reporting Act	22(1)	2,000	25,000
	22(2)	25,000	100,000
Discriminatory Business	16(1)	5,000	25,000
Practices Act	16(2)	50,000	100,000
Gasoline Handling Act	17	10,000	25,000
Liquor Licence Act	55(1) 55(5)	10,000 25,000	25,000 100,000
Motor Vehicle Dealers Act	22(1)	2,000	25,000
	22(2)	25,000	100,000
Ontario New Home	22(1)	2,000	25,000
Warranties Plan Act	22(2)	25,000	100,000
Paperback and Periodical	15(1)	2,000	25,000
Distributors Act	15(2)	25,000	100,000
Real Estate and Business	50(1)	2,000	25,000
Brokers Act	50(2)	25,000	100,000
Theatres Act	61(1)	2,000	25,000
	61(2)	25,000	100,000
Travel Industry Act	25(1)	2,000	25,000
	25(2)	25,000	100,000

#### PART VI

#### MINISTRY OF CULTURE AND COMMUNICATIONS

27. Subsection 11 (2) of the Centennial Centre of Science and Technology Act, being chapter 60 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the second and third lines.

28.—(1) Subsection 69 (1) of the *Ontario Heritage Act*, being chapter 337 of the Revised Statutes of Ontario, 1980, is

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amended by striking out "\$10,000" in the third last line and inserting in lieu thereof "\$50,000".

- (2) Subsection 69 (2) of the said Act is amended by striking out "\$50,000" in the third line and inserting in lieu thereof "\$250,000".
- 29. Subsection 16 (2) of the Science North Act, 1986, being chapter 5, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the second and third lines.
- **30.**—(1) Subsection 15 (2) of the *Telephone Act*, being chapter 496 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the third and fourth lines.
- (2) Section 107 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (3) Subsection 109 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (4) Subsection 110 (1) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the sixth and seventh lines.
- (5) Subsection 110 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each offence" in the third and fourth lines.
- (6) Section 111 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the fifth, sixth and seventh lines.
- (7) Section 112 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the sixth, seventh and eighth lines.
- (8) Section 113 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both" in the sixth, seventh and eighth lines.
- (9) Section 114 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 or to

imprisonment for a term of not more than thirty days, or to both" in the eighth, ninth and tenth lines.

(10) Subsection 115 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50 for each day during which the default continues" in the third and fourth lines.

## **PART VII**

## MINISTRY OF EDUCATION

31. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

### Ministry of Education

Title of Act	Provision	Column 1	Column 2
Education Act	15(4) 15(5) 15(6) 15(9) 29(1) 29(3) 187 188(1) 188(2) 189(1) 189(2) 190 193(4) 228(7) 228(7)	\$ 25 100 200 200 100 100 100 100 100 100 100	\$ 50 200 500 500 200 200 200 200 200 200 2
School Boards and Teachers Collective Negotiations Act	77(1) 77(2)	500 10,000	1,000 25,000

### **PART VIII**

#### MINISTRY OF THE ENVIRONMENT

**32.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

## Ministry of the Environment

Title of Act	Provision	Column 1	Column 2
Environmental Assessment Act	39	\$ 5,000	\$10,000
	39	10,000	25,000

Environmental Protection Act	72 78 (1) 78 (1) 78 (2) 78 (2) 78 (2) 78 (1) 78 (2) 78 (2) 146 (3) 146 (3) 146 (4) 146 (4) 146 (4) 146 (4) 147 (1) 147 (1) 147 (2) 147 (2) 147 (3) 147 (4) 147 (4)	1,000 500 1,000 1,000 2,000 1,000 2,000 3,000 6,000 5,000 10,000 50,000 100,000 15,000 15,000 10,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000	2,000 1,000 2,000 2,000 5,000 5,000 10,000 10,000 10,000 100,000 100,000 100,000 25,000 100,000 25,000 100,000 25,000 100,000 25,000 100,000 25,000 100,000 25,000 100,000 25,000 100,000 1,000,000
Ontario Water Resources Act	67(1)	5,000	10,000
	67(1)	10,000	25,000
	67(2)	25,000	50,000
	67(2)	50,000	100,000
	68(2)	50,000	100,000
	68(2)	100,000	200,000
Pesticides Act	34a(1)	5,000	10,000
	34a(1)	10,000	25,000
	34a(2)	25,000	50,000
	34a(2)	50,000	100,000
	34c(2)	50,000	100,000
	34c(2)	100,000	200,000

#### **PARTIX**

## MINISTRY OF FINANCIAL INSTITUTIONS

- **33.** Subsection 55 (1) of the Commodity Futures Act, being chapter 78 of the Revised Statutes of Ontario, 1980, is amended by striking out "in the case of a company or a person other than an individual, to a fine of not more than \$25,000 and, in the case of an individual, to a fine of not more than \$2,000" in the second, third, fourth and fifth last lines and inserting in lieu thereof "to a fine of not more than \$1,000,000".
- 34. Section 14 of the Compulsory Automobile Insurance Act, being chapter 83 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 14.—(1) Except where otherwise provided, every person General and every director or officer of an insurer who commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 in the case of an individual and \$200,000 in the case of a corporation.

penalty

Minimum fine: insurers

(2) If an insurer is convicted of an offence under subsection (1), the fine shall not be less than \$5,000.

Suspension or cancellation of licence of insurer

R.S.O. 1980,

(3) In addition to any penalty imposed under this Act, where the person who contravenes this Act or the regulations is an insurer, the Lieutenant Governor in Council may, by order and upon the report of the Superintendent, suspend or cancel the insurer's licence issued under the *Insurance Act*.

Contravention by Association

c. 218

- (4) Where the Association commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$5,000 and not more than \$200,000.
- **35.** Section 19 of the *Prepaid Hospital and Medical Services Act*, being chapter 388 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- **19.** Every person not registered under this Act who contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 in the case of an individual and not more than \$200,000 in the case of a corporation.
- **36.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

## SCHEDULE

## Ministry of Financial Institutions

Title of Act	Provision	Column 1	Column 2
Commodity Futures Act	55(3)	\$ 2,000	\$1,000,000
Co-operative Corporations Act	173(1) 174(1) 174(1) 174(2) 176(1) 176(1) 176(2)	2,000 2,000 20,000 2,000 1,000 10,000 1,000	10,000 10,000 50,000 10,000 5,000 100,000 5,000
Credit Unions and Caisses Populaires Act	141(1) 141(2) 143(1) 143(2) 144(1) 144(1)	2,000 2,000 50 50 2,000 10,000 2,000	10,000 10,000 200 200 5,000 100,000 5,000
Deposits Regulation Act	8(1) 8(2) 8(3)	5,000 25,000 5,000	100,000 200,000 100,000

Mortgage Brokers Act	31(1) 31(2)	2,000 25,000	100,000
Registered Insurance	34(1)	5,000	100,000

## PART X

#### MINISTRY OF HEALTH

- **37.** Section 9 of the Cancer Remedies Act, being chapter 58 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **9.** Every person who contravenes a provision of this Act Offence or who fails or neglects to obey any order, direction or requirement of the Commission is guilty of an offence and on conviction is liable for a first offence to a fine of not less than \$200 and not more than \$1,000 and for any subsequent offence to a fine of not less than \$1,000 and not more than \$5,000.

- 38. Section 9 of the *Dental Technicians Act*, being chapter 114 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of \$100 for a first offence, \$200 for a second offence, and \$300 for a third or subsequent offence" in the seventh, eighth and ninth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- 39. Subsection 9 (1) of the Radiological Technicians Act, being chapter 430 of the Revised Statutes of Ontario, 1980, is amended.
  - (a) by striking out "\$100" in the fourth last line and inserting in lieu thereof "\$2,500";
  - (b) by striking out "\$200" in the fourth last line and inserting in lieu thereof "\$5,000";
  - (c) by striking out "\$200" in the third last line and inserting in lieu thereof "\$4,000"; and
  - (d) by striking out "\$500" in the second last line and inserting in lieu thereof "\$10,000".
- **40.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

## Ministry of Health

Title of Act	Provision	Column 1	Column 2
Ambulance Act	23(1) 23(2) 23(3)	\$ 1,000 10,000 500	\$ 2,000 25,000 1,000
Chiropody Act	6	100	25,000
Denture Therapists Act	27(1) 27(1) 27(2) 27(2) 27(3) 32(1) 32(2)	2,000 2,000 1,000 2,000 2,000 5,000 5,000	25,000 25,000 5,000 10,000 10,000 10,000 10,000
Drugless Practitioners Act	8	100	25,000
Healing Arts Radiation Act	23(1) 23(2)	5,000 25,000	10,000 50,000
Health Care Accessibility Act, 1986	8(1) 8(1)	250 1,000	2,000
Health Disciplines Act	18(1) 18(2) 18(2) 18(2) 37(5)(e) 43(1) 43(2) 43(2) 43(3) 60(5)(e) 67(1) 67(1) 67(2) 67(3) 83(5)(e) 88(1) 88(2) 88(2) 88(2) 105(5)(e) 112(1) 112(1) 112(2) 112(3) 130(5)(e) 162(1) 162(1) 162(2) 162(2)	5,000 5,000 5,000 5,000 1,000 2,	10,000 10,000 10,000 10,000 25,000 5,000 10,000 25,000 25,000 10,000 10,000 25,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 25,000 10,000 25,000 10,000 25,000 10,000 25,000 25,000 10,000 25,000
Health Insurance Act	50	2,000	5,000
Hypnosis Act	5 5 5 5	100 1,000 200 2,000	500 5,000 2,500 25,000
Mental Health Act	64	10,000	25,000
Mental Hospitals Act	8 8	10 100	20 1,000

Ontario Drug Benefit Act, 1986	15(1)	5,000	10,000
	15(1)	10,000	25,000
	15(2)	50,000	100,000
Ophthalmic Dispensers Act	16	50	2,500
	16	500	25,000
Prescription Drug Cost	13(1)	10,000	25,000
Regulation Act, 1986	13(2)	50,000	100,000
Private Hospitals Act	3 3 4(2) 7(6) 7(6) 19(4) 21(3) 21(4) 23(3) 24(2) 25 26	100 500 500 25 500 25 200 50 200 25 25 25 25	200 1,000 1,000 50 1,000 50 1,000 1,000 50 50 50
Psychologists Registration Act	14(1)	100	5,000
	14(1)	500	25,000
Public Hospitals Act	27	25	50
	27	500	1,000

## PART XI

#### MINISTRY OF HOUSING

- **41.**—(1) Subsection 122 (1) of the *Residential Rent Regulation Act*, 1986, being chapter 63, is amended by striking out "\$2,000" in the last line and inserting in lieu thereof "\$5,000".
- (2) Subsection 122 (2) of the said Act is amended by striking out "\$25,000" in the third line and inserting in lieu thereof "\$50,000".

#### PART XII

## MINISTRY OF INDUSTRY, TRADE AND TECHNOLOGY

- **42.**—(1) Subsection 11 (3) of the *Ministry of Industry and Trade Act*, 1982, being chapter 31, is amended by striking out "\$2,000" in the last line and inserting in lieu thereof "\$10,000".
- (2) Subsection 11 (4) of the said Act is amended by striking out "\$25,000" in the last line and inserting in lieu thereof "\$100,000".

## **PART XIII**

#### MINISTRY OF LABOUR

- 43. Section 13 of the *Employment Agencies Act*, being chapter 136 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$500" in the second and third lines and inserting in lieu thereof "is liable to a fine of not more than \$5,000 or, if the person is a body corporate, to a fine of not more than \$50,000".
- 44. Section 4 of the Government Contracts Hours and Wages Act, being chapter 190 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$500" in the fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- **45.**—(1) Subsections 19 (1) and (3) of the *Industrial Standards Act*, being chapter 216 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Offence

(1) Every employer who contravenes a schedule that is applicable to the employer or who permits or condones work in contravention thereof is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 and, in default of payment, to imprisonment for a term of not more than six months, and, where the conviction is for failing to pay the minimum rate of wages prescribed by the schedule, shall be ordered to pay to the Director, as an additional penalty, the full amount of the wages found to be unpaid to any employee under the schedule, and the Director, in the Director's discretion, may direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

Offence

- (3) Every employee who contravenes a provision of a schedule is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.
- (2) Section 20 of the said Act is repealed and the following substituted therefor:

Offence

**20.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction, where no penalty has been specifically provided, is

liable to a fine of not more than \$50,000 and, in default of payment, to imprisonment for a term of not more than six months.

- **46.** Subsection 9 (5) of the *Ministry of Labour Act*, being chapter 284 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$50 and not more than \$300" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- 47. Subsection 77 (8) of the Workers' Compensation Act, being chapter 539 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 28, is amended by adding at the end thereof "and on conviction is liable to a fine of not more than \$5,000".
- 48. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

## SCHEDULE Ministry of Labour

Title of Act	Provision	Column 1	Column 2
Crown Employees Collective Bargaining Act	44(1) 44(2)	\$ 500 5,000	\$ 2,000 25,000
Employment Standards Act	47(1) 57(3) 59(1)	25 100 10,000	100 2,000 50,000
Labour Relations Act	96(1) 96(1)	1,000 10,000	2,000 25,000
Ministry of Labour Act	9(4)	20 500	25,000 25,000
One Day's Rest in Seven Act	4	100	25,000
Pay Equity Act, 1987	26(1) 26(1)	2,000 25,000	5,000 50,000
Workers' Compensation Act	18(2) 52(9) 69(2) 97(6) 99(3) 101(2) 102(2) 118(3) 118(3) 121(2)	50 50 50 500 500 500 500 200 20	10,000 10,000 10,000 25,000 25,000 25,000 5,000 25,000 25,000

## **PART XIV**

## MINISTRY OF MUNICIPAL AFFAIRS

- 49.—(1) Subsection 48 (4) of the County of Oxford Act, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 98 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 103 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **50.**—(1) Subsection 47 (5) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 88 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third line.
- (3) Section 93 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 51. Subsection 11 (5) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$1,000" in the fourth and fifth lines.
- **52.**—(1) Subsection 36 (6) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

(6) The clerk is guilty of an offence if the certificate is not sent within the prescribed time or if the clerk certifies to a larger number of electors than the last revised polling lists show.

- (2) Subsection 211 (21) of the said Act is repealed and the following substituted therefor:
- (21) Despite section 321, a by-law passed under this section Fines may provide that a person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,
  - (a) \$50,000; or
  - (b) the gross sales of the shop during the period the shop was open in contravention of the by-law.
- (3) Clause (g) of paragraph 1 of subsection 230 (1) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$5" in the fifth, sixth and seventh lines.
- (4) Clause (g) of paragraph 17 of section 232 of the said Act is amended by striking out "and on conviction is liable to a fine equal to the licence fee that he should have paid and in addition thereto the sum of not less than \$10 and not more than \$200" in the second, third, fourth and fifth lines.
- (5) Clause (h) of paragraph 17 of the said section 232 is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$10" in the fifth, sixth and seventh lines.
- (6) Subsection 297 (3) of the said Act is amended by striking out "and on conviction is liable to a fine of \$5" in the second and third lines.
- (7) Subsection 297 (4) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$50" in the fourth and fifth lines.
- (8) Section 321 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 24, section 13, is amended by striking out "and for providing for the imposition of fines of not more than \$2,000 on every person who is convicted of an offence under any such by-law" in the fifth, sixth and seventh lines.
- 53.—(1) Section 19 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **19.**—(1) Any municipality, member of council or of a local Offence board or an officer thereof or any other person guilty of any

wilful breach of any of the provisions of this Part or of any order of the Ministry made thereunder is guilty of an offence.

Idem

- (2) If the person convicted of an offence under subsection (1) is a member of a council or a local board, the person is, upon conviction and in addition to any other penalty provided by law, disqualified from holding any municipal office for a period of two years.
- (2) Subsection 58 (2) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$25 and not more than \$500 for each offence" in the tenth and eleventh lines.
- 54.—(1) Subsection 93 (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 110 (11) of the said Act is amended by striking out "and on conviction is liable to a fine of \$50 for the first offence and \$300 for each subsequent offence" in the second, third and fourth lines.
- (3) Subsection 227 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (4) Section 231 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 55. Subsection 24 (4) of the Niagara Escarpment Planning and Development Act, being chapter 316 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (4) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable,
  - (a) on a first conviction to a fine of not more than \$25,000; and
  - (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

(4a) Notwithstanding subsection (4), if a corporation is con-Corporation victed under subsection (1), the maximum penalty that may be imposed is,

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- 56.—(1) Subsection 31 (22) of the Planning Act, 1983, being chapter 1, is amended by striking out "is liable to a fine of not more than \$500 for each day that the contravention has continued" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$10,000 for any subsequent offence".
- (2) Section 31 of the said Act is amended by adding thereto the following subsection:
- (22a) Notwithstanding subsection (22), if a corporation is Idem, convicted of an offence under subsection (22), the maximum penalty that may be imposed upon the corporation is \$10,000 for a first offence and \$50,000 for any subsequent offence.

corporation

- (3) Subsection 33 (13) of the said Act is amended by striking out "or to imprisonment for a term of not more than six months, or to both" in the sixth and seventh lines.
- (4) Subsection 67 (2) of the said Act is amended by striking out "or to imprisonment for a term of not more than six months, or to both" in the sixth and seventh lines.
- 57. Subsection 19 (2) of the *Public Parks Act*, being chapter 417 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20; or may be imprisoned for a term of not more than thirty days; and is liable to an action at the suit of the board to make good any damage done by him" in the second, third, fourth and fifth lines.
- 58.—(1) Section 12 of the *Public Utilities Act*, being chapter 423 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$300 or may be imprisoned without the option of a fine for a term of not more than one month" in the eleventh, twelfth, thirteenth and fourteenth lines.

- (2) Section 13 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$300 or may be imprisoned, without the option of a fine, for a term of not more than one month" in the first, second and third last lines.
- (3) Section 52 of the said Act is amended by striking out "of not more than \$300" in the eighth line.
- (4) Section 53 of the said Act is amended by striking out "of not more than \$300" in the sixth and seventh lines.
- **59.**—(1) Subsection 48 (4) of the Regional Municipality of Durham Act, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 110 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 115 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **60.**—(1) Subsection 47 (4) of the Regional Municipality of Haldimand-Norfolk Act, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 92 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 97 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **61.**—(1) Subsection 47 (4) of the Regional Municipality of Halton Act, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not

more than \$500 for a second or subsequent offence' in the second, third, fourth and fifth lines.

- (2) Subsection 103 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 108 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **62.**—(1) Subsection 46 (4) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 114 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 119 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 63.—(1) Subsection 87 (5) of the Regional Municipality of Niagara Act, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 142 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third and fourth lines.
- (3) Section 147 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **64.**—(1) Subsection 72 (5) of the Regional Municipality of Ottawa-Carleton Act, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.

- (2) Subsection 133 (39) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 138 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 65.—(1) Subsection 47 (4) of the Regional Municipality of Peel Act, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 98 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 103 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **66.**—(1) Subsection 63 (5) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 84 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 89 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- 67.—(1) Subsection 82 (4) of the Regional Municipality of Waterloo Act, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.

- (2) Subsection 132 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the second and third lines.
- (3) Section 137 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the sixth and seventh lines.
- **68.**—(1) Subsection 83 (5) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence" in the second, third, fourth and fifth lines.
- (2) Subsection 134 (38) of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$250" in the third line.
- (3) Section 139 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$100" in the seventh and eighth lines.
- **69.** Subsection 7 (1) of the *Road Access Act*, being chapter 457 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not more than \$2,000" in the second and third lines.
- **70.**—(1) Section 7 of the Snow Roads and Fences Act, being chapter 477 of the Revised Statutes of Ontario, 1980, is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20" in the fifth and sixth lines.
- (2) Section 8 of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$20" in the fourth and fifth lines.
- (3) Subsection 12 (4) of the said Act is amended by striking out "and on conviction is liable to a fine of not less than \$1 and not more than \$50" in the fifth and sixth lines.
- 71. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

## Ministry of Municipal Affairs

Title of Act	Provision	Column 1	Column 2
Municipal Act	321b(1)	\$ 5,000	\$ 10,000
	321b(1)	10,000	25,000
	321b(2)	25,000	50,000
	321b(2)	50,000	100,000
	328(1)	10,000	25,000
	328(2)	25,000	50,000
Municipal Elections Act	96 97 98 99 100 101 102 103(1) 104 135(1) 135(2) 177(1) 177(2) 178 179 180 181	2,000 2,000 2,000 2,000 2,000 2,000 2,000 2,000 1,000 1,000 1,000 1,000 1,000 1,000	5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000 5,000
Planning Act, 1983	33(13)	20,000	50,000
	66(1)	20,000	25,000
	67(2)	2,000	5,000

## **PART XV**

### MINISTRY OF NATURAL RESOURCES

72. Section 6 of the *Endangered Species Act*, being chapter 138 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- **6.** Any person who contravenes this Act is guilty of an offence and on conviction is liable to a fine of not more than \$50,000, or to imprisonment for a term of not more than two years, or to both.
- 73. The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

#### Ministry of Natural Resources

Title of Act	Provision	Column 1	Column 2
Game and Fish Act	19 91	\$5,000 5,000	\$25,000 25,000
Provincial Parks Act	22(1)	500	5,000

## **PART XVI**

### MINISTRY OF NORTHERN DEVELOPMENT AND MINES

- 74.—(1) Section 169 of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both" in the second, third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$30,000 for every day upon which the offence occurs or continues".
- (2) Subsection 172 (1) of the said Act is amended by striking out "is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (3) Subsection 172 (2) of the said Act is amended by striking out "is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both" in the fourth, fifth and sixth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- (4) Subsection 173 (2) of the said Act is amended by striking out "\$1,000" in the second last line and inserting in lieu thereof "\$30,000".
- (5) Section 174 of the said Act is amended by striking out "a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "a fine of not more than \$10,000".

## **PART XVII**

#### MINISTRY OF REVENUE

- 75. Subsection 12 (2a) of the Assessment Act, being chapter 31 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 28, section 3, is amended by striking out "an amount of not less than \$50 and not more than \$500" in the seventh and eighth lines and inserting in lieu thereof "an amount of not more than \$2,000".
- 76. Subsection 24 (1) of the *Employee Share Ownership Plan Act*, 1988, being chapter 3, is amended by striking out "is liable to a fine of not more than \$2,000 or if such person is a

corporation to a fine of not more than \$20,000" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".

- 77.—(1) Subsection 4 (8) of the *Fuel Tax Act*, 1981, being chapter 59, is amended by striking out "is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than \$100 and not more than \$5,000" in the third, fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than double the amount of the tax that the person failed to pay".
- (2) Subsection 8 (12) of the said Act is amended by striking out "is liable to a fine of not more than \$5,000" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$5,000".
- (3) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Offence

- (1) Every person who makes a false statement in any return or information made or furnished to the Minister under this Act is guilty of an offence and is liable to a fine of not less than \$500 and not more than \$10,000 plus an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or to imprisonment for a term of not more than two years or to both fine and imprisonment.
- (4) Subsection 25 (2) of the said Act is amended by striking out "is liable to a fine of not more than \$20,000" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$1,000 and not more than \$10,000".
- 78.—(1) Subsection 20 (1) of the Gasoline Tax Act, being chapter 186 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Penalty for failure to collect tax

- (1) Every person required to collect the tax imposed by this Act who fails to collect the tax is liable on conviction to a fine of 30 cents per litre of gasoline on which tax should have been collected as determined under subsection (4).
- (2) Subsection 21 (1) of the said Act is amended by striking out "is liable to a fine of not less than \$25 for each day during which the default continues" in the third and fourth lines and inserting in lieu thereof "is liable to a penalty of not less than \$50 and not more than 5 per cent of the tax that should have been remitted or declared".

- (3) Section 22 of the said Act is amended by striking out "is liable on conviction to a fine of not less than \$200 and not more than" in the fourth and fifth last lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than \$10,000 plus".
- (4) Section 23 of the said Act is repealed and the following substituted therefor:
- 23. Every person who contravenes any of the provisions General of this Act or the regulations for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,000.

penalty

- 79.—(1) Section 5 of the Land Transfer Tax Act, being chapter 231 of the Revised Statutes of Ontario, 1980, as reenacted by the Statutes of Ontario, 1983, chapter 20, section 4, is amended by striking out "is liable on conviction to a fine of the amount of the tax that, had the true facts been stated, would have been payable, plus an amount of not less than \$50 and not more than \$1,000" in the sixth, seventh, eighth and ninth lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than double the amount of the tax that, had the facts been truthfully stated, would have been payable".
- (2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 21, section 4, is repealed and the following substituted therefor:
- (1) Every person who knowingly contravenes any provision of this Act or who knowingly makes an affidavit required by this Act that falsely discloses the value of the consideration for any conveyance of land or falsely states that a person who is a non-resident person is not a non-resident person or falsely states whether the land being conveyed contains at least one and not more than two single family residences is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax that was not paid to the collector as provided for in this Act plus an amount of not more than \$5,000.
- **80.** Section 20 of the *Mining Tax Act*, being chapter 269 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 17, is amended by striking out "is liable on conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded" in the second, third, fourth, fifth and sixth last lines and inserting in lieu thereof "is liable on conviction to a fine of

not less than the greater of \$500 or 50 per cent of the amount of the tax that should have been shown to be payable or that was sought to be evaded and not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded".

**81.** Subsection 16 (1) of the *Ontario Guaranteed Annual Income Act*, being chapter 336 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (1) Every person who does any of the following is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$1,000:
  - 1. Knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 2. Knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a an increment under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 3. Knowingly, converts to the person's own use a payment of an increment under this Act to which the person is not entitled.

Idem

- (1a) Every person who contravenes section 11 is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000.
- **82.** Subsection 17 (2) of the *Ontario Home Ownership Savings Plan Act*, 1988, being chapter 35, is amended by striking out "is liable to a fine of not more than \$2,000, or if such person is a corporation to a fine of not more than \$20,000" in the first, second and third last lines and inserting in lieu thereof "is liable to a fine of not more than \$25,000".
- **83.** Subsection 15 (1) of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (1) Every person who does any of the following is guilty of Offence an offence and on conviction is liable to a fine of not less than \$50 and not more than \$1,000:
  - 1. Knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 2. Knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant under this Act to which the person is not entitled or to which a person on whose behalf the person is acting is not entitled.
  - 3. Knowingly, converts to the person's own use a payment of a grant under this Act to which the person is not entitled.
- (1a) Every person who contravenes section 11 or 16 is <sup>Idem</sup> guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$2,000.
- **84.** Subsection 30 (1) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$2,000 or if such person is a corporation to a fine of not more than \$20,000" in the eighth, ninth and tenth lines and inserting in lieu thereof "is liable to a fine of not less than 25 per cent and not more than 200 per cent of the amount of the grant or tax credit sought or received or to imprisonment for a term of not more than two years, or to both a fine and imprisonment".
- **85.**—(1) Subsection 9 (4) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of \$200" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$50 and not more than 5 per cent of the amount of the tax that would have been reported had the return been properly completed and filed".
- (2) Subsection 18 (3) of the said Act is amended by striking out "is liable on conviction to a fine of not less than 25 per cent of the tax that should have been declared to be collectable or payable or that was sought to be evaded and to not more than double the amount of such tax" in the second, third, fourth

and fifth last lines and inserting in lieu thereof "is liable on conviction to a fine of not less than \$500 and not more than \$10,000 plus not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded".

(3) Subsection 21 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 4, section 4, is repealed and the following substituted therefor:

Penalty for selling tobacco with no wholesale dealer's permit

- (1) Every person who sells tobacco in Ontario for resale without holding a subsisting wholesale dealer's permit issued under this Act shall, when assessed therefor, pay a penalty of not less than \$200 and not more than \$2,000 plus a penalty computed as follows:
  - 1. 12 cents for every cigarette so sold.
  - 2. 6.6 cents for every gram or part thereof of any tobacco, other than cigarettes or cigars, so sold.
  - 3. 135 per cent of the price at which each cigar was so sold.
- (4) Subsections 23 (1) and (2) of the said Act are repealed and the following substituted therefor:

General penalty

(1) Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to a term of imprisonment of not less than three months and not more than six months, or to both a fine and imprisonment.

Offence

- (2) Every person who purchases tobacco for resale from any person who is not designated a collector according to the regulations is guilty of an offence and on conviction is liable to a fine equal to the amount of tax that would be exigible on the tobacco so purchased if such tobacco had been purchased by a consumer and is in addition liable to imprisonment for a term not exceeding six months.
- **86.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

## Ministry of Revenue

Title of Act	Provision	Column 1	Column 2
Assessment Act	12(1) 12(1) 12(2) 12(3) 57(1)	\$ 100 10 200 200 200	\$1,000 100 2,000 2,000 2,000
Corporations Tax Act	98	500	5,000
Fuel Tax Act, 1981	4(9) 5(2) 5(2) 5(3) 5(3) 8(11) 8(13) 10(4) 22(8) 27 28 28	100 100 500 100 500 1,000 50 200 100 50	200 200 1,000 200 1,000 200 200 2,000 2,000 200 5,000
Gasoline Tax Act	8(4) 20(3) 21(2)	200 200 25	500 500 50
Land Transfer Tax Act	8(5)	25	50
Mining Tax Act	14(2) 19(1) 19(2)	200 50 25	2,000 200 200
Ontario Guaranteed Annual Income Act	15(5)	25	50
Ontario Home Ownership Savings Plan Act, 1988	17(1)	2,000	5,000
Provincial Land Tax Act	35 35 36 37	100 10 500 200	500 50 2,000 2,000
Race Tracks Tax Act, 1988	12(7) 13(8)	2,500	5,000 2,000
Retail Sales Tax Act	11 30(3) 41(1)	2,000 100 2,000	10,000 500 5,000

## **PART XVIII**

## MINISTRY OF SKILLS DEVELOPMENT

**87.** Subsection 26 (1) of the Apprenticeship and Tradesmen's Qualification Act, being chapter 24 of the Revised Statutes of Ontario, 1980, is amended by striking out "\$1,000" in the last line and inserting in lieu thereof "\$2,000".

## PART XIX

#### MINISTRY OF THE SOLICITOR GENERAL

- 88.—(1) Section 15 of the *Fire Marshals Act*, being chapter 166 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$20" in the third and fourth last lines and inserting in lieu thereof "is liable to a fine of not more than \$1,000 for a first offence and to a fine of not more than \$5,000 for any subsequent offence".
- (2) Subsection 18 (14) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 8, section 2, is amended by striking out "is liable to a fine of not less than \$100 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not more than \$10,000".
- **89.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

# Ministry of the Solicitor General

Title of Act	Provision	Column 1	Column 2
Fire Marshals Act	18(18)	\$ 2,000	\$10,000
	18(19)	2,000	10,000
	18a(5)	2,000	25,000
	18a(6)	10,000	50,000
Private Investigators and	32(1)	2,000	5,000
Security Guards Act	32(2)	25,000	50,000
Public Works Protection Act	2(4)	100	500
	5(1)	100	500

# **PART XX**

#### MINISTRY OF TOURISM AND RECREATION

**90.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

#### Ministry of Tourism and Recreation

Title of Act	Provision	Column 1	Column 2
Ministry of Tourism and Recreation Act, 1982	10(3) 10(4)	\$ 2,000 25,000	\$ 5,000 50,000
Niagara Parks Act	20	500	10,000
Provincial Parks Act	22(1)	500	1,000

1989	PROVINCIAL PENALT	TIES ADJUSTMENT	Bill 92	37
St. Clair Par	kway Commission	19(1)	300	500
St. Lawrence Commission		18(1)	100	500
Tourism Act		15(1) 15(2) 15(3)	1,000 500	5,000 2,000

# **PART XXI**

## MINISTRY OF TRANSPORTATION

- **91.** Subsection 42 (6) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - (6) Every person who contravenes any of the provisions of, Offence
    - (a) subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100;
    - (b) subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$1,000;
    - (c) subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than \$20 and not more than \$100;
    - (d) subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.
- **92.**—(1) Subsection 11 (3) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is amended by striking out "is liable to a fine of not more than \$500" in the last line and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$1,000".
- (2) Subsection 11 (4) of the said Act is amended by striking out "is liable to a fine of not more than \$500" in the third and fourth lines and inserting in lieu thereof "is liable to a fine of not less than \$200 and not more than \$1,000".
- 93.—(1) Subsection 28 (5) of the *Public Transportation and Highway Improvement Act*, being chapter 421 of the Revised

Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Offence

- (5) Every person who without lawful authority,
  - (a) uses the King's Highway so closed to traffic while it is protected in accordance with subsection (3) is guilty of an offence and on conviction is liable to a fine of not more than \$50;
  - (b) defaces any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on conviction is liable to a fine of not more than \$200; or
  - (c) removes any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Idem

- (6) Every person who is convicted of an offence under clause (5) (a) or (b) is also liable to the Crown for any damage or injury occasioned by such wrongful use, defacement or removal.
- (2) Subsection 30 (3) of the said Act is amended by striking out "is liable to a fine of not less than \$10 per tree and not more than \$100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning" in the second, third, fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$50 and not more than \$200".
- (3) Subsection 103 (5) of the said Act is amended by striking out "is liable to a fine of not more than \$50 and is also liable to the municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement" in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof "is liable to a fine of not more than \$500".
- **94.** The provisions listed in the Acts named in the following Schedule are amended by striking out the amounts as set out in Column 1 of the Schedule and inserting in lieu thereof the amounts set out in Column 2:

#### SCHEDULE

#### Ministry of Transportation

Title of Act	Provision	Colu	<u>mn 1</u>	Colu	mn 2
Commuter Services Act	5(1)	\$	100	\$	500
Ferries Act	8		20		500

Highway Traffic Act

8 ( 2 )	50	100
8(2)	200	500
9(1)	50	100
9(1) 12(1)	200 50	500 100
12(1)	500	1,000
13(3)	5	20
13(3) 18(10)	10 100	50 200
18(10)	500	1,000
30(3b)	40	60
30(3b) 30(3b)	200 100	500 200
30(3b)	1,000	2,000
30(3c)	40	60
30(3c) 30(3d)	200 100	500 200
30(3d)	1,000	2,000
30(3e)	2,000	5,000 200
33 33	100 500	1,000
35(1)(a)	250	500
35(1)(a)	2,000 500	5,000 1,000
35(1)(b) 35(1)(b)	2,000	5,000
41(3)	500	1,000
41(5) 41(5)	50 200	100 500
47(4)	100	200
47 (4)	500	1,000
52 ( 4 ) 5 3 ( 4 )	500 100	1,000
53(4)	500	1,000
54(6)	100	200
54(6) 61(5)	500 50	1,000
61(5)	500	1,000
65(3)	500 50	1,000
83(1) 83(1)	500	1,000
83(2)	50	100
83(2)	500 100	1,000
86 (4) 86 (4)	500	1,000
87(6)	100	200
87(6) 89(3)	500 100	1,000
89(3)	500	1,000
92(11)	100	200
92(11)	500 50	1,000
94(4)	100	200
105(6)	100 500	200 1,000
105(6) 105(7)	50	100
105(7)	100	200
111 111	100 500	200 1,000
147(12)	5	20
147(12)	50	100
148(2) 148(2)	100 500	200 1,000
151(17)(a)	100	200
151(17)(a)	500	1,000
151(17)(b) 151(17)(b)	250 1,000	2,000
160	100	200
160	500 5,000	1,000
163(4) 174(2)	100	200
174(2)	500	1,000
188(1) 188(1)	40 200	500
189a(2)	100	500
189a(2)	2,000	5,000

Motorized Snow Vehicles Act	19(2)	500 300	1,000 1,000
Off-Road Vehicles Act, 1983	6(1) 6(1) 9 9 10(2) 10(2) 15(6) 15(7) 15(7) 15(7) 15(8) 15(8)	50 200 50 500 5 10 10 100 100 500 100	100 500 1,000 20 50 200 200 2,000 1,000
Public Transportation and Highway Improvement Act	26(4) 26(4) 31(2) 31(2) 32(2) 98(5) 98(5) 98(5) 98(5)	5 50 1,000 5 10 100 50 50	50 200 200 5,000 50 50 200 2,000
Public Vehicles Act	32(2)	200	1,000
Toll Bridges Act	3(2) 3(2) 3(2)	5 10 50	50 100 500
Toronto Area Transit Operating Authority Act	9 ( 2 )	100	500

# PART XXII

## COMMENCEMENT AND SHORT TITLE

Commencement **95.**—(1) This Act, except subsection 8 (2), comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

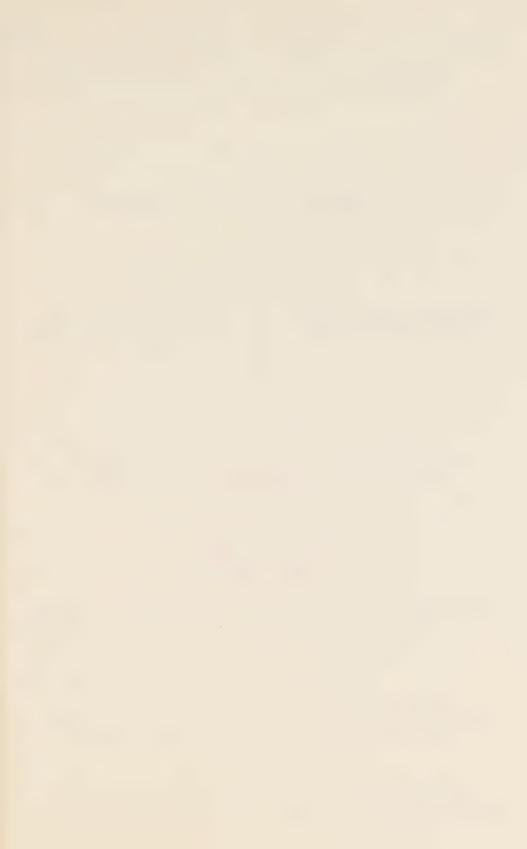
(2) Subsection 8 (2) comes into force on the day this Act receives Royal Assent or on the day section 2 of the *Courts of Justice Amendment Act*, 1989, being chapter 55, comes into force, whichever day is later.

Idem

(3) A proclamation bringing this Act or any provision of this Act into force may provide that an amendment to a provision named in a Schedule set out in this Act does not come into force until such day as is named in the proclamation or that any such provision does not come into force.

Short title

**96.** The short title of this Act is the *Provincial Penalties Adjustment Act*, 1989.





Bill 93 **Government Bill** 

Projet de loi 93

du gouvernement

L'w. s. Ealions

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

2° SESSION, 34° LÉGISLATURE, ONTARIO 38 ELIZABETH II, 1989

# Bill 93

# Projet de loi 93

# An Act to revise the Justices of the Peace Act

Loi portant révision de la Loi sur les juges de paix

The Hon. I. Scott Attorney General

L'honorable I. Scott procureur général

1st Reading

January 6th, 1988

2nd Reading

3rd Reading

Royal Assent

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.

> Printed under authority of the Legislative Assembly by the ©Queen's Printer for Ontario

1<sup>re</sup> lecture

6 janvier 1988

2<sup>e</sup> lecture

3e lecture

sanction royale

Reporté de la 1<sup>re</sup> session par ordre de l'Assemblée législative daté du 2 mars 1989.

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

#### **EXPLANATORY NOTES**

This revision of the *Justices of the Peace Act* deals with recommendations of Professor Alan Mewett's 1981 report to the Attorney General entitled "The Office and Function of Justices of the Peace in Ontario" as well as with concerns expressed about the independence of justices of the peace.

The Bill distinguishes between presiding and non-presiding justices of the peace. The Lieutenant Governor in Council is given the power to appoint justices of the peace and determine whether a justice is presiding or non-presiding on the recommendation of the Attorney General. Justices of the peace who now preside over Provincial Offences Courts are deemed to be presiding justices and the Lieutenant Governor in Council is given the power to designate other justices already appointed as presiding or non-presiding on the recommendation of the Review Council.

Provision is made for the Lieutenant Governor in Council to appoint a provincial judge as Co-ordinator of Justices of the Peace. The Co-ordinator is given general supervision and direction over sittings of justices of the peace and assigns their duties, subject to the authority of the chief judges. Certain duties are not to be assigned to presiding and non-presiding justices. The Co-ordinator is empowered to issue directions on matters of law and procedure that are binding on all justices of the peace.

Justices of the peace are no longer paid on the basis of fees for services. Part-time justices are to work according to a duty roster and to report the details of duties they perform to the Co-ordinator. Salaries of part-time justices are based on the Co-ordinator's determination of their workload and calculated in accordance with the regulations.

A justice can be removed from office only if,

- 1. a complaint is made to the Review Council,
- 2. an inquiry is then held by a provincial judge, and
- 3. following a recommendation by the judge, the Lieutenant Governor in Council orders the removal.

The Review Council is restructured to include the chief judges of the criminal and family divisions of the Provincial Court, the Co-ordinator, a justice of the peace appointed by the Lieutenant Governor in Council and not more than two other persons appointed by the Lieutenant Governor in Council. The Review Council is authorized to consider proposed appointments and to investigate complaints.

Justices of the peace are given the same immunity from liability as judges. Retirement age provisions are made to apply to all justices of the peace.

A provision in the *Mining Act* making specified officials *ex officio* justices of the peace is repealed. The *Election Act, 1984* is amended to add justices of the peace to the list of persons who shall not be appointed or act as returning officers, election clerks, deputy returning officers or poll clerks. A provision in the *Legislative Assembly Act* is amended to make justices of the peace ineligible to be members of the Assembly.

#### NOTES EXPLICATIVES

La présente révision de la *Loi sur les juges de paix* traite des recommandations du rapport intitulé «The Office and Function of Justices of the Peace in Ontario», présenté par le professeur Alan Mewett en 1981, ainsi que des questions qui ont été soulevées au sujet de l'indépendance des juges de paix.

Le projet de loi fait la distinction entre les juges de paix-présidents et les juges de paix non-présidents. Il est conféré au lieutenant-gouverneur en conseil le pouvoir de nommer des juges de paix et de décider si un juge de paix appartiendra à la catégorie des juges de paix-présidents ou non-présidents, sur la recommandation du procureur général. Les juges de paix qui président actuellement la Cour des infractions provinciales sont réputés des juges de paix-présidents. Il est conféré au lieutenant-gouverneur en conseil le pouvoir de désigner d'autres juges de paix déjà nommés comme appartenant à la catégorie des juges de paix-présidents ou non-présidents, sur la recommandation du Conseil d'évaluation.

Le projet de loi prévoit que le lieutenant-gouverneur en conseil nommera un juge d'une cour provinciale en tant que coordonnateur des juges de paix. Ce dernier est chargé de l'administration et de la surveillance des sessions des juges de paix et de l'assignation de leurs fonctions, sous réserve de l'autorité qu'exercent les juges en chef. Certaines fonctions ne sont pas affectées aux juges de paix-présidents et non-présidents. Il est également conféré au coordonnateur le pouvoir de donner des directives, portant sur des questions de droit et de procédure, qui lient les juges de paix.

La rémunération des juges de paix ne se fait plus sous forme d'honoraires. Les juges de paix à temps partiel travaillent selon un tableau de service et font rapport au coordonnateur des fonctions qu'ils remplissent. Les salaires des juges de paix à temps partiel, qui correspondent à l'évaluation de leurs charges de travail que fait le coordonnateur, sont calculés conformément aux règlements.

Le juge de paix ne peut être destitué que si :

- 1. le Conseil d'évaluation est saisi d'une plainte,
- 2. un juge d'une cour provinciale tient ensuite une enquête,
- 3. à la suite de la recommandation du juge, le lieutenant-gouverneur en conseil, par décret, destitue le juge de paix.

La structure du Conseil d'évaluation est modifiée afin d'inclure les juges en chef des divisions criminelle et de la famille de la Cour provinciale, le coordonnateur, un juge de paix nommé par le lieutenant-gouverneur en conseil et deux autres personnes, au plus, nommées par le lieutenant-gouverneur en conseil. Le Conseil d'évaluation étudie les candidatures et fait enquête sur les plaintes.

Les juges de paix ont la même immunité que les juges en ce qui concerne la responsabilité personnelle. Les dispositions portant sur la retraite s'appliquent maintenant à tous les juges de paix.

Est abrogée la disposition de la *Loi sur les mines* qui confère à certains fonctionnaires le statut de juges de paix d'office. La *Loi électorale de 1984* est modifiée afin d'ajouter les juges de paix à la catégorie des personnes qui ne sont pas nommées directeurs du scrutin, secrétaires du scrutin, secrétaires du bureau de vote, ni n'agissent à ces divers titres. Une disposition de la *Loi sur l'Assemblée législative* est modifiée à l'effet que les juges de paix sont désormais inhabiles à être membres de l'Assemblée.

Appointment

of justices

Section

1. Definitions

6. Retirement

7. Resignation

10. Functions

3. Oath of office

presiding justice

5. Ex-officio justices

8. Removal from office

9. Review Council

2. Appointment of justices

4. Designation as presiding or non-

11. Investigation of complaints by

#### **Bill 93** 1989

# An Act to revise the Justices of the Peace Act

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Section

13. Co-ordinator

18. Directions

20. Regulations

14. Assignment of duties to

15. Assignment of duties to non-

17. Salaries of part-time justices

21-27. Complementary amendments

presiding justice

presiding justice

16. Jurisdiction of justices

19. Immunity from liability

and repeals

	Review Council 12. Inquiry by provincial judge	28. Commencement 29. Short title
	HER MAJESTY, by and with the Legislative Assembly of the Profollows:	
Definitions	1. In this Act,	
"coordon- nateur"	"Co-ordinator" means the Co-ordinator Peace appointed under section	
"juge de paix non-prési- dent"	"non-presiding justice of the pe nated as a non-presiding ju- section 4;	
"prescrit"	"prescribed" means prescribed by	the regulations;
"juge de paix-prési- dent"	"presiding justice of the peace" rate a presiding justice of the peace	
"règlements"	"regulations" means the regulation	ons made under this Act;
"Conseil d'évaluation"	"Review Council" means the Ju	ustices of the Peace Review

**2.**—(1) The Lieutenant Governor in Council, on the rec-

ommendation of the Attorney General, may appoint full-time

Council continued by section 9.

and part-time justices of the peace.

# Projet de loi 93

loi.

1989

# Loi portant révision de la Loi sur les juges de paix

	TABLE DES M	1A1	TIÈRES		
Article  1 Définitions 2 Nomination des juges de paix 3 Serment d'entrée en fonction 4 Désignation à titre de juge de paix-président ou non-président 5 Juges de paix d'office 6 Retraite 7 Démission 8 Destitution 9 Conseil d'évaluation 10 Fonctions 11 Enquête du Conseil d'évaluation sur les plaintes 12 Enquête du juge d'une cour provinciale  Article 13 Coordonnateur 14 Assignation des fonctions au juge de paix-président 15 Assignation des fonctions au juge de paix non-président 16 Compétence des juges de paix à temps partiel 17 Traitements des juges de paix à temps partiel 18 Directives 19 Règlements 20 Règlements 21 à 27 Modifications supplémentaires et abrogations 22 Entrée en vigueur 23 Entrée en vigueur 24 Titre abrégé  SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui					
suit:  1 Les	définitions qui suivent s'	'ap <sub>l</sub>	oliquent à la présente loi.	Définitions	
	d'évaluation» Le Conse naintenu en fonction par		d'évaluation des juges de ticle 9.	«Review Council»	
	nnateur» Le coordonnate tu de l'article 13.	eur	des juges de paix nommé	«Co-ordinator	
«juge de paix non-président» Personne désignée comme juge de paix non-président en vertu de l'article 4.					
	«juge de paix-président» Personne désignée comme juge de paix-président en vertu de l'article 4. «presiding justice of the peace»				
«prescrit:	» Prescrit par les règleme	ents		«prescribed»	

**2** (1) Le lieutenant-gouverneur en conseil peut, sur la Nomination recommandation du procureur général, nommer des juges de paix à temps plein et à temps partiel.

«règlements» Les règlements pris en application de la présente «regulations»

Transition R.S.O. 1980, c. 227

(2) Every person who receives a salary as a justice of the peace in accordance with subsection 7 (2) of the *Justices of the Peace Act* immediately before this Act comes into force shall be deemed to have been appointed as a full-time justice of the peace and every other person who is a justice of the peace immediately before this Act comes into force shall be deemed to have been appointed as a part-time justice of the peace.

Reappointment as part-time (3) The Lieutenant Governor in Council shall not appoint a full-time justice of the peace to be a part-time justice of the peace unless the Review Council recommends the reappointment.

Other work

(4) A full-time justice of the peace shall not engage in any other remunerative work.

Oath of office

**3.** Every justice of the peace, before beginning the duties of office, shall make the following oath or affirmation in French or in English:

I, ....., solemnly swear (affirm) that I will faithfully and to the best of my skill and knowledge, execute the duties of a justice of the peace, and I will do so without fear or favour, affection or ill will. So help me God. (Omit last sentence in an affirmation.)

Presiding or non-presiding **4.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall designate every justice of the peace appointed after the coming into force of this Act as a presiding justice of the peace or a non-presiding justice of the peace.

Deemed designation

(2) Every justice of the peace authorized to preside at the trial of an offence described in clause 15 (c) (provincial offences) immediately before this Act comes into force and has not attained the age of seventy at that time shall be deemed to have been designated as a presiding justice of the peace.

Designation of other justices

(3) The Lieutenant Governor in Council, on the recommendation of the Review Council, may designate any other justice of the peace who is appointed before this Act comes into force and has not attained the age of seventy as a presiding justice of the peace or a non-presiding justice of the peace.

Undesignated justices

(4) A person appointed as a justice of the peace before this Act comes into force who is not designated under subsection (2) or (3) shall not exercise any authority or receive any remuneration as a justice of the peace.

(2) Les personnes qui reçoivent un traitement à titre de Disposition juge de paix conformément au paragraphe 7 (2) de la *Loi sur* L.R.O. 1980, les juges de paix immédiatement avant l'entrée en vigueur de chap. 2 la présente loi sont réputées avoir été nommées juges de paix à temps plein. Les autres personnes qui sont juges de paix immédiatement avant l'entrée en vigueur de la présente loi sont réputées avoir été nommées juges de paix à temps par-

(3) Le lieutenant-gouverneur en conseil ne nomme pas un Nouvelle juge de paix à temps plein pour qu'il devienne juge de paix à temps partiel temps partiel, à moins que le Conseil d'évaluation ne recommande cette nouvelle nomination.

(4) Le juge de paix à temps plein n'entreprend aucun autre Autres travail rémunéré.

3 Avant d'entrer en fonction, le juge de paix fait la presta- Serment tion de serment ou l'affirmation solennelle suivante, en francais ou en anglais:

Je soussigné(e),...., déclare sous serment (affirme) que j'accomplirai fidèlement et de mon mieux les fonctions de juge de paix, et que j'agirai sans peur ni favoritisme, parti pris ni mauvaise volonté. Ainsi que Dieu me soit en aide. (S'il s'agit d'une affirmation, ne pas ajouter la dernière phrase.)

4 (1) Le lieutenant-gouverneur en conseil, sur la recom- Juge de paixmandation du procureur général, désigne chaque juge de paix nommé après l'entrée en vigueur de la présente loi à titre de juge de paix-président ou juge de paix non-président.

(2) Sont réputées avoir été désignées à titre de juges de Désignation paix-présidents les juges de paix autorisés à présider le procès relatif à une infraction décrite à l'alinéa 15 c) (infractions provinciales) immédiatement avant l'entrée en vigueur de la présente loi et qui n'ont pas, à ce moment, atteint l'âge de soixante-dix ans.

(3) Le lieutenant-gouverneur en conseil, sur la recomman- Désignation dation du Conseil d'évaluation, peut désigner d'autres juges de paix de paix nommés avant l'entrée en vigueur de la présente loi et qui n'ont pas atteint l'âge de soixante-dix ans à titre de juges de paix-présidents ou non-présidents.

(4) La personne qui a été nommée juge de paix avant l'en- Juges de paix trée en vigueur de la présente loi, mais qui n'est pas désignée aux termes du paragraphe (2) ou (3), n'exerce aucune compétence d'un juge de paix et ne reçoit aucune rémunération à ce titre.

non désignés

Change of designation

(5) The Lieutenant Governor in Council shall not change the designation of a presiding justice of the peace to that of non-presiding justice of the peace.

Justices of the peace, ex officio **5.** Every judge of the Supreme Court of Canada, the Federal Court of Canada, the Supreme Court of Ontario and the District Court of Ontario and every provincial judge is by virtue of his or her office a justice of the peace and also has power to do alone whatever two or more justices of the peace are authorized to do together.

Retirement

**6.** Every justice of the peace shall retire upon attaining the age of seventy years.

Resignation

**7.**—(1) A justice of the peace may resign from his or her office by delivering a signed letter of resignation to the Attorney General.

Effective

(2) The resignation takes effect on the day the letter is delivered to the Attorney General or, if the letter specifies a later day, on that day.

Removal from office

**8.**—(1) A justice of the peace may be removed from office only by order of the Lieutenant Governor in Council.

Grounds for removal

- (2) The order may be made only if,
  - (a) a complaint regarding the justice of the peace has been made to the Review Council; and
  - (b) the removal is recommended, following an inquiry held under section 12, on the ground that the justice of the peace has become incapacitated or disabled from the due execution of his or her office by reason of,
    - (i) infirmity,
    - (ii) conduct that is incompatible with the execution of the duties of his or her office, or
    - (iii) having failed to perform the duties of his or her office as assigned.

Order to be tabled

(3) The order shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

(5) Le lieutenant-gouverneur en conseil ne change pas la Changement désignation du juge de paix-président en celle de juge de paix de la désignanon-président.

5 Sont juges de paix d'office les juges de la Cour suprême Juges de paix du Canada, de la Cour fédérale du Canada, de la Cour suprême de l'Ontario et de la Cour de district de l'Ontario, ainsi que les juges des cours provinciales. En outre, chacun d'eux a le pouvoir d'accomplir seul les actes que deux ou plusieurs juges de paix sont autorisés à accomplir ensemble.

- 6 Le juge de paix prend sa retraite à l'âge de soixante-dix Retraite ans.
- 7 (1) Le juge de paix peut démissionner en remettant au Démission procureur général une lettre signée à cet effet.
- (2) La démission prend effet le jour où elle est remise au Date de prise procureur général ou, si la lettre de démission précise un jour postérieur, elle prend effet ce jour.
- **8** (1) Le juge de paix ne peut être destitué que par décret Destitution du lieutenant-gouverneur en conseil.
  - (2) Le décret ne peut être pris que si :

Motifs permettant la destitution

- une plainte à son sujet a été portée au Conseil a) d'évaluation:
- sa destitution est recommandée, à la suite d'une b) enquête tenue aux termes de l'article 12, en raison du fait qu'il est devenu incapable de remplir convenablement ses fonctions ou inhabile pour l'une des raisons suivantes:
  - (i) il souffre d'une infirmité,
  - (ii) sa conduite est incompatible avec l'exercice de ses fonctions.
  - (iii) il n'a pas rempli les fonctions qui lui sont assignées.
- (3) Le décret est déposé devant l'Assemblée législative si Dépôt du elle siège, sinon, dans les quinze jours qui suivent le début de la session suivante.

Review Council

- **9.**—(1) The Justices of the Peace Review Council is continued and shall be composed of,
  - (a) the Chief Judge of the Provincial Court (Criminal Division) who shall preside over the Review Council;
  - (b) the Chief Judge of the Provincial Court (Family Division);
  - (c) the Co-ordinator;
  - (d) a justice of the peace appointed by the Lieutenant Governor in Council; and
  - (e) not more than two other persons appointed by the Lieutenant Governor in Council.

Quorum

(2) A majority of members of the Review Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Review Council.

Staff R.S.O. 1980, c. 418

(3) Such officers and employees of the Review Council as are considered necessary may be appointed under the *Public Service Act*.

Expert assistance

(4) The Review Council may engage persons, including counsel, to assist it in its investigations.

Functions

- **10.**—(1) The functions of the Review Council are,
  - (a) to consider all proposed appointments and designations of justices of the peace and make reports concerning them to the Attorney General;
  - (b) to receive and investigate complaints against justices of the peace.

Liability for damages

(2) No action or other proceeding for damages shall be instituted against the Review Council or its members or officers or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his or her duty.

Investigation of complaints

**11.**—(1) When the Review Council receives a complaint against a justice of the peace, it shall take such action to investigate the complaint, including a review of it with the justice of the peace, as it considers advisable.

- 9 (1) Le Conseil d'évaluation des juges de paix est main- Conseil d'évaluation tenu et se compose des membres suivants :
  - le juge en chef de la Cour provinciale (Division criminelle), qui préside le Conseil;
  - le juge en chef de la Cour provinciale (Division de b) la famille);
  - c) le coordonnateur;
  - d) un juge de paix nommé par le lieutenant-gouverneur en conseil;
  - deux autres personnes, au plus, nommées par le lieutenant-gouverneur en conseil.
- (2) La majorité des membres du Conseil d'évaluation cons- Quorum titue le quorum et peut exercer tous les pouvoirs et la compétence du Conseil.
- (3) Les employés du Conseil jugés nécessaires peuvent être Personnel L.R.O. 1980, engagés aux termes de la Loi sur la fonction publique. chap. 418
- (4) Le Conseil d'évaluation peut engager d'autres person- Experts nes, notamment des avocats, pour l'aider dans ses enquêtes.
- 10 (1) Les fonctions du Conseil d'évaluation sont les Fonctions suivantes:
  - examiner les candidatures aux postes de juges de paix, ainsi que leurs désignations proposées, et en faire rapport au procureur général;
  - recevoir les plaintes portées contre les juges de paix et faire enquête à leur sujet.
- (2) Aucune action ou poursuite en dommages-intérêts ne Responsabilité peut être intentée contre le Conseil d'évaluation, ses membres ou employés ni contre quiconque agit sous son autorité, à l'égard d'un acte accompli de bonne foi dans l'exercice ou en vue de l'exercice de ses fonctions.

ges-intérêts

11 (1) Lorsque le Conseil d'évaluation reçoit une plainte Enquête sur contre un juge de paix, il prend les mesures qu'il estime opportunes pour faire enquête. Ces mesures peuvent comprendre une discussion de la plainte avec le juge de paix.

Referral to Co-ordinator (2) The Review Council may, if it considers it appropriate to do so, transmit complaints to the Co-ordinator.

Proceedings not public (3) The proceedings of the Review Council shall not be public, but it may inform the Attorney General that it has undertaken an investigation and the Attorney General may make that fact public.

Prohibiting publication

(4) The Review Council may order that information or documents relating to its investigation not be published or disclosed except as required by law.

Powers R.S.O. 1980, c. 411

(5) The Review Council has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act.

Notice of disposition

- (6) When the Review Council has dealt with a complaint regarding a justice of the peace, it shall inform,
  - (a) the person who made the complaint; and
  - (b) the justice of the peace, if the complaint was brought to his or her attention,

of its disposition of the complaint.

Report and recommendations

- (7) The Review Council may report its opinion regarding the complaint to the Attorney General and may recommend,
  - (a) that an inquiry be held under section 12;
  - (b) that the justice of the peace be compensated for all or part of his or her costs in connection with the investigation.

Copy to justice

(8) A copy of the report shall be given to the justice of the peace.

Right to be heard

(9) The Review Council shall not make a report unless the justice of the peace was notified of the investigation and given an opportunity to be heard and to produce evidence.

Publication of report

(10) The Attorney General may make all or part of the report public, if he or she is of the opinion that it is in the public interest to do so.

(2) Le Conseil d'évaluation peut, s'il le juge opportun, Plaintes transtransmettre des plaintes au coordonnateur.

coordonnateur

(3) Les enquêtes sont tenues à huis clos, mais le Conseil Huis clos d'évaluation peut aviser le procureur général qu'il a entrepris une enquête. Le procureur général peut informer le public de ce fait.

(4) Le Conseil d'évaluation peut ordonner que des rensei- Publication gnements ou des documents qui portent sur l'enquête ne soient ni publiés ni divulgués, sauf dans la mesure exigée par la loi.

(5) Le Conseil d'évaluation possède les pouvoirs d'une Pouvoirs commission aux termes de la partie II de la Loi sur les enquê- L.R.O. 1980, tes publiques. Cette partie s'applique à l'enquête du Conseil comme si elle était tenue en vertu de cette loi.

chap. 411

(6) Lorsque le Conseil d'évaluation a traité d'une plainte Avis de la relative à un juge de paix, il avise de la décision prise à l'égard de la plainte :

- la personne qui a porté plainte;
- le juge de paix, si la plainte a été portée à son b) attention.
- (7) Le Conseil d'évaluation peut faire rapport au procu-Rapport et reur général de son opinion à l'égard de la plainte et tions recommander:

- qu'une enquête soit tenue aux termes de l'article 12; a)
- que le juge de paix soit indemnisé, en tout ou en partie, des dépens que lui a occasionnés l'enquête.
- (8) Une copie du rapport est remise au juge de paix.

Copie au juge de paix

(9) Le Conseil d'évaluation ne fait pas de rapport s'il n'a Droit de se pas avisé le juge de paix de la tenue de l'enquête et ne lui a pas fourni l'occasion de se faire entendre et de présenter des preuves.

faire entendre

(10) Le procureur général peut publier le rapport, en tout Publication ou en partie, s'il le juge dans l'intérêt public.

du rapport

Transition R.S.O. 1980, c. 227

(11) An investigation commenced under section 8 of the *Justices of the Peace Act* but not completed before this Act comes into force shall be continued in accordance with this Act by the Review Council as constituted under that section.

Inquiry

**12.**—(1) The Lieutenant Governor in Council may appoint a provincial judge to inquire into the question of whether a justice of the peace should be removed from office.

Powers R.S.O. 1980, c. 411

Report

- (2) The *Public Inquiries Act* applies to the inquiry.
- (3) The report of the inquiry may recommend,
  - (a) that the justice of the peace be removed from office;
  - (b) that the justice of the peace be compensated for all or part of his or her costs in connection with the inquiry.

Tabling of report

(4) The report shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

Co-ordinator appointed

**13.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a provincial judge as Co-ordinator of Justices of the Peace.

Co-ordinator to supervise justices, assign duties (2) The Co-ordinator has general supervision and direction over sittings of justices of the peace and the assignment of their duties, subject to the direction of the Chief Judge of the Provincial Court (Criminal Division) or, in matters relating to the jurisdiction of the Provincial Court (Family Division), the Chief Judge of that court.

Idem

(3) The Co-ordinator's authority to assign duties includes authority to direct the times and places that justices of the peace shall perform their duties.

Part-time justices to follow duty roster (4) A part-time justice of the peace shall not act as a justice of the peace except in accordance with a duty roster established by the Co-ordinator.

Duty rosters public (5) The duty rosters shall be made available to the public.

(11) L'enquête commencée en vertu de l'article 8 de la Loi Disposition sur les juges de paix et qui n'a pas été terminée avant l'entrée L.R.O. 1980, en vigueur de la présente loi est continuée, conformément à la chap. 227 présente loi, par le Conseil d'évaluation tel qu'il est constitué aux termes de cet article.

**12** (1) Le lieutenant-gouverneur en conseil peut charger Enquête un juge d'une cour provinciale de faire enquête afin de déterminer si un juge de paix devrait être destitué.

(2) La Loi sur les enquêtes publiques s'applique à l'enquête.

Pouvoirs L.R.O. 1980, chap. 411

(3) Le rapport de l'enquête peut recommander :

Rapport

- que le juge de paix soit destitué de ses fonctions; a)
- b) que le juge soit indemnisé, en tout ou en partie, des dépens que lui a occasionnés l'enquête.
- (4) Le rapport est déposé devant l'Assemblée législative si Dépôt du elle siège, sinon, dans les quinze jours qui suivent le début de la session suivante.

rapport

**13** (1) Le lieutenant-gouverneur en conseil, sur la recommandation du procureur général, nomme un juge d'une cour nateur provinciale en tant que coordonnateur des juges de paix.

Nomination du coordon-

(2) Le coordonnateur est chargé de l'administration et de la Surveillance, surveillance des sessions des juges de paix et de l'assignation coordonnateur de leurs fonctions. Ceci, sous réserve de la direction du juge en chef de la Cour provinciale (Division criminelle) ou, en ce qui concerne la compétence de la Cour provinciale (Division de la famille), du juge en chef de ce tribunal.

(3) Le pouvoir du coordonnateur en ce qui concerne l'assi- Idem gnation des fonctions des juges de paix comprend le pouvoir de fixer la date, l'heure et le lieu où ces fonctions seront exercées.

(4) Le juge de paix à temps partiel n'exerce les fonctions Tableau de d'un juge de paix qu'en conformité avec un tableau de service établi par le coordonnateur.

(5) Les tableaux de service sont mis à la disposition des Tableaux de membres du public.

service accessibles au

Reports on duties performed

(6) Part-time justices of the peace shall submit to the Coordinator, when required by the Co-ordinator, reports containing the prescribed information on the duties they have performed.

Assistance to Co-ordinator

(7) Provincial judges shall assist the Co-ordinator in the supervision of justices and assignment of their duties and in the exercise of the Co-ordinator's other functions under this section, if the Co-ordinator or a chief judge so requests, and for the purpose they have the Co-ordinator's authority.

Assignment of duties to presiding justice

**14.**—(1) The following duties shall not be assigned to a presiding justice of the peace:

R.S.C. 1970, c. C-34

- (a) presiding at the trial of an offence under the Criminal Code (Canada);
- (b) presiding at the trial of an offence under any other Act of the Parliament of Canada, unless the offence is prescribed as an offence to the trial of which a presiding justice of the peace may be assigned;
- (c) holding a preliminary inquiry under Part XV of the Criminal Code (Canada);
- (d) exercising jurisdiction under the Criminal Code (Canada) in respect of an accused if the question of the accused's capability to conduct a defence or fitness to stand trial is raised;
- exercising jurisdiction under section 68 (reading proclamation at riot) or section 471 (remand where offence committed in another jurisdiction) of the Criminal Code (Canada).

Exception

(2) Subsection (1) does not apply to adjournments.

Assignment of duties to justice

- **15.** The following duties shall not be assigned to a nonnon-presiding presiding justice of the peace:
  - (a) the duties described in section 14;
  - presiding at the trial of an offence that is prescribed as one to the trial of which a presiding justice of the peace may be assigned;

(6) Les juges de paix à temps partiel soumettent au coor-Rapport donnateur, à sa demande, des rapports qui comprennent les renseignements prescrits au sujet des fonctions qu'ils ont remplies.

(7) Les juges des cours provinciales prêtent leur aide au Aide au coorcoordonnateur, en ce qui concerne la surveillance des juges de paix et l'assignation de leurs fonctions, et dans l'exercice des autres compétences du coordonnateur visées au présent article, à la demande du coordonnateur ou d'un juge en chef. À cette fin, ils disposent des mêmes pouvoirs que le coordonna-

**14** (1) Les fonctions suivantes ne sont pas assignées au juge de paix-président :

Assignation des fonctions au juge de paix-président

présider le procès relatif à une infraction visée au a) Code criminel (Canada);

S.R.C. 1970, chap. C-34

- présider le procès relatif à une infraction visée à une b) autre loi du Parlement du Canada, à moins que l'infraction n'ait été prescrite comme étant une infraction dont un juge de paix-président peut être affecté à présider le procès qui y est relatif;
- tenir une enquête préliminaire aux termes de la parc) tie XV du Code criminel (Canada);
- d) exercer une compétence visée au Code criminel (Canada) à l'égard d'un accusé, si la question de son aptitude de conduire sa défense ou de sa capacité de subir son procès est soulevée;
- e) exercer les compétences visées à l'article 68 du Code criminel (Canada) (proclamation lors d'une émeute) et à l'article 471 de cette loi (renvoi lorsque l'infraction a été commise dans une autre juridiction).
- (2) Le paragraphe (1) ne s'applique pas aux ajournements.

Exception

15 Les fonctions suivantes ne sont pas assignées au juge de paix non-président :

Assignation des fonctions au juge de paix nonprésident

- les fonctions décrites à l'article 14; a)
- présider le procès relatif à une infraction qui est b) prescrite comme étant une infraction dont un juge de paix-président peut être affecté à présider le procès qui y est relatif;

	(c)	presiding at the trial of an offence under an Act of the Legislature or under a regulation or by-law made under the authority of such an Act;
R.S.O. 1980, c. 400	(d)	exercising jurisdiction under section 9 or 19 of the <i>Provincial Offences Act</i> (default conviction);
	(e)	presiding at a hearing to determine whether a person should be released from or detained in custody;
	(f)	exercising authority to issue a warrant to levy a tax, toll or dues under,
R.S.C. 1970, c. P-38		(i) section 32 of the <i>Public Works Act</i> (Canada),
R.S.O. 1980, c. 229		(ii) section 66 of the Lakes and Rivers Improve- ment Act, or
R.S.O. 1980, c. 302		(iii) subsection 387 (6) of the Municipal Act;
	(g)	determining whether a thing should be forfeited or held under,
R.S.C. 1970, c. M-12		(i) section 7 of the Migratory Birds Convention Act (Canada), or
R.S.C. 1970, c. N-13		(ii) subsection 8 (3) of the National Parks Act (Canada);
R.S.O. 1980, c. 262	(h)	determining whether an order should be issued under section 10 of the <i>Mental Health Act</i> (examination by physician);
	(i)	presiding at a hearing to determine a dispute under,
R.S.C. 1970, c. S-9		(i) section 207 of the Canada Shipping Act,
R.S.C. 1970, c. F-14		(ii) section 11 of the Fisheries Act (Canada),
R.S.O. 1980, c. 257		(iii) section 4 of the Master and Servant Act, or
R.S.O. 1980, c. 372		(iv) section 25, 26 or 27 of the Pawnbrokers Act;

- présider le procès relatif à une infraction visée à une loi de la Législature, ou à un règlement pris en application d'une telle loi;
- d) exercer une compétence en vertu de l'article 9 ou 19 de la *Loi sur les infractions provinciales* (reconnaissance de culpabilité en l'absence du défendeur); chap. 400
- e) présider une audience pour décider si une personne devrait être détenue sous garde ou libérée;
- f) exercer le pouvoir de décerner des mandats afin de percevoir des impôts, des droits ou des péages en vertu des dispositions suivantes :
  - (i) l'article 32 de la *Loi sur les travaux publics* S.R.C. 1970, (Canada),
  - (ii) l'article 66 de la *Loi sur l'aménagement des* L.R.O. 1980, lacs et des rivières,
  - (iii) le paragraphe 387 (6) de la *Loi sur les* L.R.O. 1980, municipalités;
- g) décider si des choses doivent être confisquées ou détenues en vertu des dispositions suivantes :
  - (i) l'article 7 de la *Loi sur la Convention concer-* S.R.C. 1970, nant les oiseaux migrateurs (Canada),
  - (ii) le paragraphe 8 (3) de la *Loi sur les parcs* S.R.C. 1970, nationaux (Canada);
- h) décider si une ordonnance doit être rendue en vertu de l'article 10 de la *Loi sur la santé mentale* L.R.O. 1980, (examen par un médecin);
- i) présider des audiences en vue de régler des différends en vertu des dispositions suivantes :
  - (i) l'article 207 de la *Loi sur la marine marchande* S.R.C. 1970, du Canada,
  - (ii) l'article 11 de la *Loi sur les pêcheries* S.R.C. 1970, (Canada),
  - (iii) l'article 4 de la *Loi sur le louage de services*, L.R.O. 1980, chap. 257
  - (iv) les articles 25, 26 et 27 de la *Loi sur le prêt sur* L.R.O. 1980, gage;

(j) a duty that is prescribed as one that shall not be assigned to a non-presiding justice.

Jurisdiction of justices

**16.**—(1) Justices of the peace have jurisdiction throughout Ontario.

Idem

(2) Subject to sections 14 and 15, justices of the peace shall exercise the powers and perform the duties conferred or imposed on a justice of the peace by or under an Act of the Legislature or of the Parliament of Canada.

Justices to assist public

(3) Justices of the peace shall assist members of the public, at their request, in formulating informations in respect of offences.

Justices to perform duties (4) Justices of the peace shall perform the duties assigned to them under this Act.

Salary of part-time justices

**17.** The salary, if any, to which each part-time justice of the peace is entitled shall be based on the Co-ordinator's determination of the justice's workload and calculated in accordance with the regulations.

Directions

**18.**—(1) The Co-ordinator may issue directions to justices of the peace on questions of law and procedure.

Directions binding on justices (2) Justices of the peace shall follow a direction issued under subsection (1) unless it has been disapproved by a court on an appeal or a review.

Directions to be published (3) The Co-ordinator shall cause the directions to be published in *The Ontario Gazette*.

Immunity from liability

**19.** A justice of the peace has the same immunity from liability as a judge of the Supreme Court.

Regulations

**20.**—(1) The Lieutenant Governor in Council may make regulations,

R.S.C. 1970, c. C-34

- (a) prescribing offences under Acts of Parliament other than the *Criminal Code* (Canada) in respect of which a presiding justice of the peace may be assigned to preside at a trial;
- (b) prescribing the information to be included in reports under subsection 13 (6);

- j) exercer les fonctions qui ont été prescrites comme étant des fonctions qui ne sont pas assignées au juge de paix non-président.
- 16 (1) Les juges de paix ont compétence dans tout Compétence des juges de l'Ontario. paix

(2) Sous réserve des articles 14 et 15, les juges de paix exer- Idem cent les pouvoirs et remplissent les fonctions que leur confère une loi de la Législature ou du Parlement du Canada ou qui leur sont conférées en vertu d'une telle loi.

(3) Les juges de paix prêtent leur aide aux membres du Aide au public, lorsque ces derniers le demandent, en ce qui concerne la formulation des dénonciations.

(4) Les juges de paix remplissent les fonctions qui leur sont Les juges de assignées en vertu de la présente loi.

sent leurs fonctions

17 Les traitements, le cas échéant, auxquels ont droit les Traitements juges de paix à temps partiel correspondent à l'évaluation de paix à temps leurs charges de travail que fait le coordonnateur. Les traite- partiel ments sont calculés conformément aux règlements.

18 (1) Le coordonnateur peut donner aux juges de paix Directives des directives portant sur des questions de droit et de procédure.

(2) Les juges de paix suivent la directive donnée aux termes Effet sur les du paragraphe (1), à moins qu'elle n'ait été désapprouvée par le tribunal lors d'un appel ou d'une révision.

juges de paix

- (3) Le coordonnateur fait publier les directives dans la Publication des directives Gazette de l'Ontario.
- 19 Le juge de paix jouit de la même immunité qu'un juge Immunité de la Cour suprême en ce qui concerne la responsabilité personnelle.
- 20 (1) Le lieutenant-gouverneur en conseil peut, par Règlements règlement:
  - prescrire des infractions visées aux lois du Parlement du Canada, à l'exclusion du Code criminel S.R.C. 1970, chap. C-34 (Canada), dont un juge de paix-président peut être affecté au procès qui y est relatif;
  - prescrire les renseignements qui doivent figurer b) dans les rapports visés au paragraphe 13 (6);

- (c) prescribing the salaries of full-time justices of the peace and prescribing the manner in which the salaries of part-time justices of the peace shall be calculated, including the factors to be taken into account and the method of calculation to be used;
- (d) providing for the benefits to which full-time and part-time justices of the peace are entitled;
- (e) providing for the payment of additional compensation to full-time and part-time justices of the peace for special assignments;
- (f) prescribing duties that shall not be assigned to a non-presiding justice of the peace.

Classes

(2) A regulation made under clause (1) (c) or (d) may prescribe classes of full-time and part-time justices of the peace for the purpose of salaries and benefits.

Justices of the peace who are public servants (3) A regulation made under clause (1) (c) or (d) may provide that the duties performed, in the course of their public service employment, by justices of the peace who are also employed in the public service of Ontario shall not be considered in calculating their salary and benefits under this Act.

Contributions

(4) A regulation made under clause (1) (d) may require justices of the peace to contribute from their salaries part of the cost of a benefit and may fix the amount of the contributions.

Benefits

(5) A regulation made under clause (1) (d) may provide that justices of the peace whose salaries are less than prescribed amounts are not entitled to prescribed benefits.

Territorial limitations

- (6) A regulation made under clause (1) (e) may be limited territorially.
- **21.**—(1) Section 2 of the *Commissioners for taking Affidavits Act*, being chapter 75 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

- c) prescrire les traitements des juges de paix à temps plein et prescrire les modalités selon lesquelles sont calculés les traitements des juges de paix à temps partiel, y compris les facteurs dont il est tenu compte et la méthode de calcul utilisée;
- prévoir les avantages sociaux auxquels ont droit les d) juges de paix à temps plein et à temps partiel;
- prévoir le versement d'une rémunération additione) nelle aux juges de paix à temps plein et à temps partiel en ce qui concerne les affectations particulières;
- prescrire les fonctions qui ne sont pas assignées au juge de paix non-président.
- (2) Un règlement pris en application de l'alinéa (1) c) ou d) Catégories peut prescrire des catégories de juges de paix à temps plein et à temps partiel aux fins de leurs traitements et avantages sociaux.

(3) Un règlement pris en application de l'alinéa (1) c) ou d) Juges de paix peut prévoir qu'il n'est pas tenu compte, en ce qui concerne le fonctionnaires calcul de leurs traitements et avantages sociaux en vertu de la présente loi, des fonctions qu'accomplissent dans le cadre de leur travail au sein de la fonction publique des juges de paix qui font également partie de la fonction publique.

(4) Un règlement pris en application de l'alinéa (1) d) peut Cotisations exiger que soient prélevées sur les traitements des juges de paix des cotisations qui couvrent une partie du coût d'un avantage social. Ce règlement peut également fixer le montant des cotisations.

(5) Un règlement pris en application de l'alinéa (1) d) peut Avantages prévoir que les juges de paix dont les traitements sont inférieurs à des montants prescrits n'ont pas droit à des avantages sociaux prescrits.

(6) Un règlement pris en application de l'alinéa (1) e) peut Limitations territoriales être assujetti à des limitations territoriales.

21 (1) L'article 2 de la Loi sur les commissaires aux affidavits, qui constitue le chapitre 75 des Lois refondues de l'Ontario de 1980, est modifié par adjonction du paragraphe suivant:

Provincial judges, justices of the peace

- (1a) Every provincial judge and every justice of the peace is *ex officio* a commissioner for taking affidavits in Ontario.
- (2) Section 13 of the said Act is amended by striking out "notary public or justice of the peace" in the third line and inserting in lieu thereof "or notary public".
- 22. Subsection 61 (3) of the Courts of Justice Act, 1984, being chapter 11, is repealed.
- 23. Paragraph 1 of subsection 5 (1) of the *Election Act*, 1984, being chapter 54, is amended by adding at the end thereof "or justices of the peace".
- 24. The Justices of the Peace Act, being chapter 227 of the Revised Statutes of Ontario, 1980, the Justices of the Peace Amendment Act, 1984, being chapter 8 and section 22 of the Equality Rights Statute Law Amendment Act, 1986, being chapter 64, are repealed.
- 25. Clause 8 (2) (c) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is amended by striking out "justice of the peace" in the first line.
- **26.** Subsection 13 (1) of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is repealed.
- 27.—(1) Sections 1, 2, 3 and 5 and subsection 6 (1) of the *Public Authorities Protection Act*, being chapter 406 of the Revised Statutes of Ontario, 1980, are repealed.
- (2) Subsection 7 (1) of the said Act is amended by striking out "against the justice of the peace who made the conviction or" in the second and third lines.

Commencement **28.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**29.** The short title of this Act is the *Justices of the Peace Act*, 1989.

(1a) Every provincial judge and every justice of the peace Provincial is ex officio a commissioner for taking affidavits in Ontario.\*

the peace

- (2) L'article 13 de cette loi est modifié par substitution, à «notary public or justice of the peace» à la troisième ligne, de «or notary public».
- 22 Le paragraphe 61 (3) de la Loi de 1984 sur les tribunaux judiciaires, qui constitue le chapitre 11, est abrogé.
- 23 La disposition 1 du paragraphe 5 (1) de la Loi électorale de 1984, qui constitue le chapitre 54, est modifiée par adjonction de «or justices of the peace».
- 24 La Loi sur les juges de paix, qui constitue le chapitre 227 des Lois refondues de l'Ontario de 1980, la Loi de 1984 modifiant la Loi sur les juges de paix, qui constitue le chapitre 8, et l'article 22 de la Loi de 1986 modifiant des lois concernant les droits à l'égalité, qui constitue le chapitre 64, sont abrogés.
- 25 L'alinéa 8 (2) c) de la Loi sur l'Assemblée législative, qui constitue le chapitre 235 des Lois refondues de l'Ontario de 1980, est modifié par suppression des mots «justice of the peace» à la première ligne.
- 26 Le paragraphe 13 (1) de la Loi sur les mines, qui constitue le chapitre 268 des Lois refondues de l'Ontario de 1980, est abrogé.
- 27 (1) Les articles 1, 2, 3 et 5 et le paragraphe 6 (1) de la Loi sur l'immunité des personnes publiques, qui constitue le chapitre 406 des Lois refondues de l'Ontario de 1980, sont abrogés.
- (2) Le paragraphe 7 (1) de cette loi est modifié par suppression des mots «against the justice of the peace who made the conviction or» aux deuxième et troisième lignes.
- 28 La présente loi entre en vigueur le jour que le lieute- Entrée en nant-gouverneur fixe par proclamation.
- 29 Le titre abrégé de la présente loi est Loi de 1989 sur les Titre abrégé juges de paix.
- \*Les lois modifiées n'ayant été promulguées qu'en anglais, il n'existe pas de texte français exigeant une modification législative.

Because the amended statutes were enacted only in English, there is no French text to amend.







Projet de loi 93

Palatic ations du gouvernement

GOVERNMEN

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II. 1989

Bill 93

An Act to revise the Justices of the Peace Act

> The Hon, I. Scott Attorney General

1st Reading January 6th, 1988 2nd Reading June 14th, 1989 3rd Reading

Royal Assent

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.

> (Reprinted as amended by the Committee of the Whole House)

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de loi 93

2º SESSION, 34º LÉGISLATURE, ONTARIO

38 ELIZABETH II, 1989

Loi portant révision de la Loi sur les juges de paix

> L'honorable I. Scott procureur général

1<sup>re</sup> lecture 6 janvier 1988 14 juin 1989 2<sup>e</sup> lecture

3e lecture

sanction royale

Reporté de la 1<sup>re</sup> session par ordre de l'Assemblée législative daté du 2 mars 1989.

(Réimprimé tel qu'il est modifié par le comité plénier de l'Assemblée)

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#### **EXPLANATORY NOTES**

This revision of the *Justices of the Peace Act* deals with recommendations of Professor Alan Mewett's 1981 report to the Attorney General entitled "The Office and Function of Justices of the Peace in Ontario" as well as with concerns expressed about the independence of justices of the peace.

The Bill distinguishes between presiding and non-presiding justices of the peace. The Lieutenant Governor in Council is given the power to appoint justices of the peace and determine whether a justice is presiding or non-presiding on the recommendation of the Attorney General. Justices of the peace who now preside over Provincial Offences Courts are deemed to be presiding justices and the Lieutenant Governor in Council is given the power to designate other justices already appointed as presiding or non-presiding on the recommendation of the Review Council.

Provision is made for the Lieutenant Governor in Council to appoint a provincial judge as Co-ordinator of Justices of the Peace. The Co-ordinator is given general supervision and direction over sittings of justices of the peace and assigns their duties, subject to the authority of the chief judges. Certain duties are not to be assigned to presiding and non-presiding justices. The Co-ordinator is empowered to issue directions on matters of law and procedure that are binding on all justices of the peace.

Justices of the peace are no longer paid on the basis of fees for services. Part-time justices are to work according to a duty roster and to report the details of duties they perform to the Co-ordinator. Salaries of part-time justices are based on the Co-ordinator's determination of their workload and calculated in accordance with the regulations.

A justice can be removed from office only if,

- 1. a complaint is made to the Review Council,
- 2. an inquiry is then held by a provincial judge, and
- 3. following a recommendation by the judge, the Lieutenant Governor in Council orders the removal.

The Review Council is restructured to include the chief judges of the criminal and family divisions of the Provincial Court, the Co-ordinator, a justice of the peace appointed by the Lieutenant Governor in Council and not more than two other persons appointed by the Lieutenant Governor in Council. The Review Council is authorized to consider proposed appointments and to investigate complaints.

Justices of the peace are given the same immunity from liability as judges. Retirement age provisions are made to apply to all justices of the peace.

A provision in the *Mining Act* making specified officials *ex officio* justices of the peace is repealed. The *Election Act, 1984* is amended to add justices of the peace to the list of persons who shall not be appointed or act as returning officers, election clerks, deputy returning officers or poll clerks. A provision in the *Legislative Assembly Act* is amended to make justices of the peace ineligible to be members of the Assembly.

The provisions of the Act relating to presiding and non-presiding justices of the peace and salaries of part-time justices of the peace will be implemented on a regional basis.

#### NOTES EXPLICATIVES

La présente révision de la *Loi sur les juges de paix* traite des recommandations du rapport intitulé «The Office and Function of Justices of the Peace in Ontario», présenté par le professeur Alan Mewett en 1981, ainsi que des questions qui ont été soulevées au sujet de l'indépendance des juges de paix.

Le projet de loi fait la distinction entre les juges de paix-présidents et les juges de paix non-présidents. Il est conféré au lieutenant-gouverneur en conseil le pouvoir de nommer des juges de paix et de décider si un juge de paix appartiendra à la catégorie des juges de paix-présidents ou non-présidents, sur la recommandation du procureur général. Les juges de paix qui président actuellement la Cour des infractions provinciales sont réputés des juges de paix-présidents. Il est conféré au lieutenant-gouverneur en conseil le pouvoir de désigner d'autres juges de paix déjà nommés comme appartenant à la catégorie des juges de paix-présidents ou non-présidents, sur la recommandation du Conseil d'évaluation.

Le projet de loi prévoit que le lieutenant-gouverneur en conseil nommera un juge provincial en tant que coordonnateur des juges de paix. Ce dernier est chargé de l'administration et de la surveillance des sessions des juges de paix et de l'assignation de leurs fonctions, sous réserve de l'autorité qu'exercent les juges en chef. Certaines fonctions ne sont pas affectées aux juges de paix-présidents et non-présidents. Il est également conféré au coordonnateur le pouvoir de donner des directives, portant sur des questions de droit et de procédure, qui lient les juges de paix.

La rémunération des juges de paix ne se fait plus sous forme d'honoraires. Les juges de paix à temps partiel travaillent selon un tableau de service et font rapport au coordonnateur des fonctions qu'ils remplissent. Les traitements des juges de paix à temps partiel, qui correspondent à l'évaluation de leurs charges de travail que fait le coordonnateur, sont calculés conformément aux règlements.

Le juge de paix ne peut être destitué que si :

- 1. le Conseil d'évaluation est saisi d'une plainte,
- 2. un juge provincial tient ensuite une enquête,
- 3. à la suite de la recommandation du juge, le lieutenant-gouverneur en conseil, par décret, destitue le juge de paix.

La structure du Conseil d'évaluation est modifiée afin d'inclure les juges en chef des divisions criminelle et de la famille de la Cour provinciale, le coordonnateur, un juge de paix nommé par le lieutenant-gouverneur en conseil et deux autres personnes, au plus, nommées par le lieutenant-gouverneur en conseil. Le Conseil d'évaluation étudie les candidatures et fait enquête sur les plaintes.

Les juges de paix ont la même immunité que les juges en ce qui concerne la responsabilité personnelle. Les dispositions portant sur la retraite s'appliquent maintenant à tous les juges de paix.

Est abrogée la disposition de la *Loi sur les mines* qui confère à certains fonctionnaires le statut de juges de paix d'office. La *Loi électorale de 1984* est modifiée afin d'ajouter les juges de paix à la catégorie des personnes qui ne sont pas nommées directeurs du scrutin, secrétaires du scrutin, scrutateurs ou secrétaires du bureau de vote, ni n'agissent à ces divers titres. Une disposition de la *Loi sur l'Assemblée législative* est modifiée à l'effet que les juges de paix sont désormais inhabiles à être membres de l'Assemblée.

Les dispositions de la loi concernant les juges de paix-présidents et non-présidents et les traitements des juges de paix à temps partiel seront mises en application région par région.

## Bill 93

## 1989

## An Act to revise the Justices of the Peace Act

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### Definitions

#### 1. In this Act.

- "Co-ordinator" means the Co-ordinator of Justices of the Peace appointed under section 13; ("coordonnateur")
- "non-presiding justice of the peace" means a person designated as a non-presiding justice of the peace under section 4; ("juge de paix non-président")
- "prescribed" means prescribed by the regulations; ("prescrit")
- "presiding justice of the peace" means a person designated as a presiding justice of the peace under section 4; ("juge de paix-président")
- "regulations" means the regulations made under this Act; ("règlements")

## Projet de loi 93

1989

## Loi portant révision de la Loi sur les juges de paix

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SA MAJESTE, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit:

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions

- «Conseil d'évaluation» Le Conseil d'évaluation des juges de paix maintenu en fonction par l'article 9. («Review Council»)
- «coordonnateur» Le coordonnateur des juges de paix nommé en vertu de l'article 13. («Co-ordinator»)
- «juge de paix non-président» Personne désignée comme juge de paix non-président en vertu de l'article 4. («nonpresiding justice of the peace»)
- «juge de paix-président» Personne désignée comme juge de paix-président en vertu de l'article 4. («presiding justice of the peace»)
- «prescrit» Prescrit par les règlements. («prescribed»)

"Review Council" means the Justices of the Peace Review Council continued by section 9. ("Conseil d'évaluation")

Appointment of justices

**2.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint full-time and part-time justices of the peace.

Transition R.S.O. 1980, c. 227

(2) Every person who receives a salary as a justice of the peace in accordance with subsection 7 (2) of the *Justices of the Peace Act* immediately before this Act comes into force shall be deemed to have been appointed as a full-time justice of the peace and every other person who is a justice of the peace immediately before this Act comes into force shall be deemed to have been appointed as a part-time justice of the peace.

Reappointment as part-time (3) The Lieutenant Governor in Council shall not appoint a full-time justice of the peace to be a part-time justice of the peace unless the Review Council recommends the reappointment.

Other work

(4) A justice of the peace shall not engage in any other remunerative work without the approval of the Review Council.

Oath of office

**3.** Every justice of the peace, before beginning the duties of office, shall make the following oath or affirmation in French or in English:

I, ......, solemnly swear (affirm) that I will faithfully and to the best of my skill and knowledge, execute the duties of a justice of the peace, and I will do so without fear or favour, affection or ill will. So help me God. (Omit last sentence in an affirmation.)

Presiding or non-presiding

**4.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall designate every justice of the peace appointed after the coming into force of this Act as a presiding justice of the peace or a non-presiding justice of the peace.

Deemed designation

(2) Every justice of the peace who is authorized to preside at the trial of an offence described in clause 16 (c) (provincial offences) immediately before this Act comes into force and has not attained the age of seventy at that time shall be deemed to have been designated as a presiding justice of the peace.

Designation of other justices

(3) The Lieutenant Governor in Council, on the recommendation of the Review Council, may designate any other justice of the peace who is appointed before this Act comes into force and has not attained the age of seventy as a presid-

«règlements» Les règlements pris en application de la présente loi. («regulations»)

2 (1) Le lieutenant-gouverneur en conseil peut, sur la Nomination recommandation du procureur général, nommer des juges de paix paix à temps plein et à temps partiel.

(2) Les personnes qui reçoivent un traitement à titre de Disposition juge de paix conformément au paragraphe 7 (2) de la Loi sur L.R.O. 1980, les juges de paix immédiatement avant l'entrée en vigueur de chap. 227 la présente loi sont réputées avoir été nommées juges de paix à temps plein. Les autres personnes qui sont juges de paix immédiatement avant l'entrée en vigueur de la présente loi sont réputées avoir été nommées juges de paix à temps partiel.

(3) Le lieutenant-gouverneur en conseil ne nomme pas un Nouvelle juge de paix à temps plein pour qu'il devienne juge de paix à temps partiel temps partiel, à moins que le Conseil d'évaluation ne recommande cette nouvelle nomination.

(4) Le juge de paix n'entreprend aucun autre travail rému- Autres néré sans l'approbation du Conseil d'évaluation.

3 Avant d'entrer en fonction, le juge de paix fait la presta-Serment tion de serment ou l'affirmation solennelle suivante, en franfonction çais ou en anglais :

Je soussigné(e),...., déclare sous serment (affirme) que j'accomplirai fidèlement et de mon mieux les fonctions de juge de paix, et que j'agirai sans peur ni favoritisme, parti pris ni mauvaise volonté. Ainsi que Dieu me soit en aide. (S'il s'agit d'une affirmation, ne pas ajouter la dernière phrase.)

4 (1) Le lieutenant-gouverneur en conseil, sur la recom- Juge de paixmandation du procureur général, désigne chaque juge de paix président ou non-président nommé après l'entrée en vigueur de la présente loi à titre de juge de paix-président ou juge de paix non-président.

(2) Sont réputés avoir été désignés à titre de juges de paix- Désignation présidents les juges de paix qui sont autorisés à présider le procès relatif à une infraction décrite à l'alinéa 16 c) (infractions provinciales) immédiatement avant l'entrée en vigueur de la présente loi et qui n'ont pas, à ce moment, atteint l'âge de soixante-dix ans.

(3) Le lieutenant-gouverneur en conseil, sur la recomman- Désignation dation du Conseil d'évaluation, peut désigner d'autres juges de paix de paix nommés avant l'entrée en vigueur de la présente loi et qui n'ont pas atteint l'âge de soixante-dix ans à titre de juges de paix-présidents ou non-présidents.

ing justice of the peace or a non-presiding justice of the peace.

Undesignated justices

(4) A person appointed as a justice of the peace before this Act comes into force who is not designated under subsection (2) or (3) shall not exercise any authority or receive any remuneration as a justice of the peace.

Change of designation

(5) The Lieutenant Governor in Council shall not change the designation of a presiding justice of the peace to that of non-presiding justice of the peace.

Justices of the peace, ex officio **5.** Every judge of the Supreme Court of Canada, the Federal Court of Canada, the Supreme Court of Ontario and the District Court of Ontario and every provincial judge is by virtue of his or her office a justice of the peace and also has power to do alone whatever two or more justices of the peace are authorized to do together.

Retirement

**6.** Every justice of the peace shall retire upon attaining the age of seventy years.

Resignation

**7.**—(1) A justice of the peace may resign from his or her office by delivering a signed letter of resignation to the Attorney General.

Effective date

(2) The resignation takes effect on the day the letter is delivered to the Attorney General or, if the letter specifies a later day, on that day.

Removal from office

**8.**—(1) A justice of the peace may be removed from office only by order of the Lieutenant Governor in Council.

Grounds for removal

- (2) The order may be made only if,
  - (a) a complaint regarding the justice of the peace has been made to the Review Council; and
  - (b) the removal is recommended, following an inquiry held under section 12, on the ground that the justice of the peace has become incapacitated or disabled from the due execution of his or her office by reason of,
    - (i) infirmity,
    - (ii) conduct that is incompatible with the execution of the duties of his or her office, or

(4) La personne qui a été nommée juge de paix avant l'en- Juges de paix trée en vigueur de la présente loi, mais qui n'est pas désignée aux termes du paragraphe (2) ou (3), n'exerce aucune compétence d'un juge de paix et ne reçoit aucune rémunération à ce titre.

(5) Le lieutenant-gouverneur en conseil ne change pas la Changement désignation du juge de paix-président en celle de juge de paix tion non-président.

5 Sont juges de paix d'office les juges de la Cour suprême Juges de paix du Canada, de la Cour fédérale du Canada, de la Cour suprême de l'Ontario et de la Cour de district de l'Ontario, ainsi que les juges provinciaux. En outre, chacun d'eux a le pouvoir d'accomplir seul les actes que deux ou plusieurs juges de paix sont autorisés à accomplir ensemble.

- 6 Le juge de paix prend sa retraite à l'âge de soixante-dix Retraite ans.
- 7 (1) Le juge de paix peut démissionner en remettant au Démission procureur général une lettre signée à cet effet.
- (2) La démission prend effet le jour où elle est remise au Date de prise procureur général ou, si la lettre de démission précise un jour postérieur, elle prend effet ce jour.
- 8 (1) Le juge de paix ne peut être destitué que par décret Destitution du lieutenant-gouverneur en conseil.
  - (2) Le décret ne peut être pris que si :

Motifs permettant la destitution

- une plainte à son sujet a été portée au Conseil d'évaluation:
- sa destitution est recommandée, à la suite d'une b) enquête tenue aux termes de l'article 12, en raison du fait qu'il est devenu incapable de remplir convenablement ses fonctions ou inhabile pour l'une des raisons suivantes:
  - (i) il souffre d'une infirmité,
  - (ii) sa conduite est incompatible avec l'exercice de ses fonctions,

(iii) having failed to perform the duties of his or her office as assigned.

Order to be tabled

(3) The order shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

Review Council

- **9.**—(1) The Justices of the Peace Review Council is continued and shall be composed of,
  - the Chief Judge of the Provincial Court (Criminal Division) who shall preside over the Review Council:
  - (b) the Chief Judge of the Provincial Court (Family Division);
  - (c) the Co-ordinator;
  - (d) a justice of the peace appointed by the Lieutenant Governor in Council; and
  - not more than two other persons appointed by the Lieutenant Governor in Council.

Quorum

(2) A majority of members of the Review Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Review Council.

Staff c. 418

(3) Such officers and employees of the Review Council as R.S.O. 1980, are considered necessary may be appointed under the Public Service Act.

Expert assistance

(4) The Review Council may engage persons, including counsel, to assist it in its investigations.

**Functions** 

- **10.**—(1) The functions of the Review Council are,
  - (a) to consider all proposed appointments and designations of justices of the peace and make reports concerning them to the Attorney General;
  - (b) to receive and investigate complaints against justices of the peace.

Liability for damages

(2) No action or other proceeding for damages shall be instituted against the Review Council or its members or officers or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his or her duty.

- (iii) il n'a pas rempli les fonctions qui lui sont assignées.
- (3) Le décret est déposé devant l'Assemblée législative si Dépôt du elle siège, sinon, dans les quinze jours qui suivent le début de la session suivante.
- 9 (1) Le Conseil d'évaluation des juges de paix est main- Conseil d'évaluation tenu et se compose des membres suivants :
  - le juge en chef de la Cour provinciale (Division criminelle), qui préside le Conseil;
  - b) le juge en chef de la Cour provinciale (Division de la famille);
  - le coordonnateur; c)
  - d) un juge de paix nommé par le lieutenant-gouverneur en conseil:
  - deux autres personnes, au plus, nommées par le e) lieutenant-gouverneur en conseil.
- (2) La majorité des membres du Conseil d'évaluation cons- Quorum titue le quorum et peut exercer tous les pouvoirs et la compétence du Conseil.
- (3) Les employés du Conseil jugés nécessaires peuvent être Personnel engagés aux termes de la Loi sur la fonction publique. L.R.O. 1980, chap. 418
- (4) Le Conseil d'évaluation peut engager d'autres person- Experts nes, notamment des avocats, pour l'aider dans ses enquêtes.
- 10 (1) Les fonctions du Conseil d'évaluation sont les Fonctions suivantes:
  - a) examiner les candidatures aux postes de juges de paix, ainsi que leurs désignations proposées, et en faire rapport au procureur général;
  - recevoir les plaintes portées contre les juges de paix b) et faire enquête à leur sujet.
- (2) Aucune action ou poursuite en dommages-intérêts ne Responsabilité peut être intentée contre le Conseil d'évaluation, ses membres ges-intérêts ou employés ni contre quiconque agit sous son autorité, à l'égard d'un acte accompli de bonne foi dans l'exercice ou en vue de l'exercice de ses fonctions.

pour domma-

Investigation of complaints

11.—(1) When the Review Council receives a complaint against a justice of the peace, it shall take such action to investigate the complaint, including a review of it with the justice of the peace, as it considers advisable.

Referral to Co-ordinator (2) The Review Council may, if it considers it appropriate to do so, transmit complaints to the Co-ordinator.

Proceedings not public

(3) The proceedings of the Review Council shall not be public, but it may inform the Attorney General that it has undertaken an investigation and the Attorney General may make that fact public.

Prohibiting publication

(4) The Review Council may order that information or documents relating to its investigation not be published or disclosed except as required by law.

Powers R.S.O. 1980, c. 411

(5) The Review Council has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act.

Notice of disposition

- (6) When the Review Council has dealt with a complaint regarding a justice of the peace, it shall inform,
  - (a) the person who made the complaint; and
  - (b) the justice of the peace, if the complaint was brought to his or her attention,

of its disposition of the complaint.

Report and recommendations

- (7) The Review Council may report its opinion regarding the complaint to the Attorney General and may recommend,
  - (a) that an inquiry be held under section 12;
  - (b) that the justice of the peace be compensated for all or part of his or her costs in connection with the investigation.

Copy to justice

(8) A copy of the report shall be given to the justice of the peace.

Right to be heard

(9) The Review Council shall not make a report unless the justice of the peace was notified of the investigation and given an opportunity to be heard and to produce evidence.

Publication of report

(10) The Attorney General may make all or part of the report public, if he or she is of the opinion that it is in the public interest to do so.

11 (1) Lorsque le Conseil d'évaluation reçoit une plainte Enquête sur contre un juge de paix, il prend les mesures qu'il estime opportunes pour faire enquête. Ces mesures peuvent comprendre une discussion de la plainte avec le juge de paix.

les plaintes

(2) Le Conseil d'évaluation peut, s'il le juge opportun, Plaintes transtransmettre des plaintes au coordonnateur.

coordonnateur

(3) Les enquêtes sont tenues à huis clos, mais le Conseil Huis clos d'évaluation peut aviser le procureur général qu'il a entrepris une enquête. Le procureur général peut informer le public de ce fait.

(4) Le Conseil d'évaluation peut ordonner que des rensei- Publication gnements ou des documents qui portent sur l'enquête ne soient ni publiés ni divulgués, sauf dans la mesure exigée par la loi.

(5) Le Conseil d'évaluation possède les pouvoirs d'une Pouvoirs commission aux termes de la partie II de la Loi sur les enquê- L.R.O. 1980, tes publiques. Cette partie s'applique à l'enquête du Conseil comme si elle était tenue en vertu de cette loi.

chap. 411

(6) Lorsque le Conseil d'évaluation a traité d'une plainte Avis de la relative à un juge de paix, il avise de la décision prise à l'égard de la plainte :

la personne qui a porté plainte;

le juge de paix, si la plainte a été portée à son b) attention.

(7) Le Conseil d'évaluation peut faire rapport au procu-Rapport et reur général de son opinion à l'égard de la plainte et tions recommander:

- a) qu'une enquête soit tenue aux termes de l'article 12;
- que le juge de paix soit indemnisé, en tout ou en partie, des dépens que lui a occasionnés l'enquête.
- (8) Une copie du rapport est remise au juge de paix.

Copie au juge de paix

(9) Le Conseil d'évaluation ne fait pas de rapport s'il n'a pas avisé le juge de paix de la tenue de l'enquête et ne lui a pas fourni l'occasion de se faire entendre et de présenter des preuves.

Droit de se faire entendre

(10) Le procureur général peut publier le rapport, en tout Publication ou en partie, s'il le juge dans l'intérêt public.

Transition R.S.O. 1980,

(11) An investigation commenced under section 8 of the *Justices of the Peace Act* but not completed before this Act comes into force shall be continued in accordance with this Act by the Review Council as constituted under that section.

Inquiry

**12.**—(1) The Lieutenant Governor in Council may appoint a provincial judge to inquire into the question of whether a justice of the peace should be removed from office.

Powers R.S.O. 1980, c. 411

Report

- (2) The *Public Inquiries Act* applies to the inquiry.
- (3) The report of the inquiry may recommend,
  - (a) that the justice of the peace be removed from office;
  - (b) that the justice of the peace be compensated for all or part of his or her costs in connection with the inquiry.

Tabling of report

(4) The report shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

Co-ordinator appointed

**13.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a provincial judge as Co-ordinator of Justices of the Peace.

Term of office

(2) The Co-ordinator shall hold office for five years.

Idem

(3) If a successor is not appointed within five years, the Coordinator shall continue in office until the successor is appointed, but in no case shall the Co-ordinator hold office for more than seven years.

Former Co-ordinator

- (4) A Co-ordinator whose term of office expires under subsection (2) or (3) shall continue to hold the office of provincial judge and is entitled to an annual salary equal to the greater of,
  - (a) the current annual salary of a provincial judge; or
  - (b) the annual salary he or she received immediately before ceasing to be Co-ordinator.

Co-ordinator not to be reappointed

(5) A Co-ordinator whose term of office expires under subsection (2) or (3) shall not be reappointed as Co-ordinator.

(11) L'enquête commencée en vertu de l'article 8 de la Loi Disposition sur les juges de paix et qui n'a pas été terminée avant l'entrée L.R.O. 1980, en vigueur de la présente loi est continuée, conformément à la chap. 227 présente loi, par le Conseil d'évaluation tel qu'il est constitué aux termes de cet article.

**12** (1) Le lieutenant-gouverneur en conseil peut charger Enquête un juge provincial de faire enquête afin de déterminer si un juge de paix devrait être destitué.

(2) La Loi sur les enquêtes publiques s'applique à l'enquête.

Pouvoirs L.R.O. 1980. chap. 411 Rapport

- (3) Le rapport de l'enquête peut recommander :
  - que le juge de paix soit destitué de ses fonctions; a)
  - b) que le juge soit indemnisé, en tout ou en partie, des dépens que lui a occasionnés l'enquête.
- (4) Le rapport est déposé devant l'Assemblée législative si Dépôt du elle siège, sinon, dans les quinze jours qui suivent le début de la session suivante.
- 13 (1) Le lieutenant-gouverneur en conseil, sur la recom- Nomination mandation du procureur général, nomme un juge provincial nateur en tant que coordonnateur des juges de paix.

- (2) Le coordonnateur exerce ses fonctions pendant une Mandat période de cinq ans.
- (3) En l'absence de nomination d'un successeur dans les Idem cinq ans, le coordonnateur continue à exercer ses fonctions jusqu'à la nomination du successeur. Le coordonnateur n'exerce toutefois pas ses fonctions pendant une période qui dépasse sept ans.
- (4) Le coordonnateur dont le mandat expire aux termes du Ancien paragraphe (2) ou (3) continue à exercer les fonctions d'un juge provincial. Il a droit à un traitement annuel égal au plus élevé des montants suivants :

coordonnateur

- a) le traitement annuel que reçoit à ce moment-là un juge provincial;
- le traitement annuel qu'il recevait immédiatement avant de cesser d'être coordonnateur.
- (5) Le coordonnateur dont le mandat expire aux termes du Nouvelle paragraphe (2) ou (3) n'est pas nommé de nouveau à ce poste.

Co-ordinator to supervise justices, assign duties <u>14.—(1)</u> The Co-ordinator has general supervision and direction over sittings of justices of the peace and the assignment of their duties, subject to the direction of the Chief Judge of the Provincial Court (Criminal Division) or, in matters relating to the jurisdiction of the Provincial Court (Family Division), the Chief Judge of that court.

Idem

(2) The Co-ordinator's authority to assign duties includes authority to direct the times and places that justices of the peace shall perform their duties.

Part-time justices to follow duty roster (3) A part-time justice of the peace shall not act as a justice of the peace except in accordance with a duty roster established by the Co-ordinator.

Duty rosters public (4) The duty rosters shall be made available to the public.

Reports on duties performed

(5) Part-time justices of the peace shall submit to the Co-ordinator, when required by the Co-ordinator, reports containing the prescribed information on the duties they have performed.

Assistance to Co-ordinator

(6) Provincial judges shall assist the Co-ordinator in the supervision of justices and assignment of their duties and in the exercise of the Co-ordinator's other functions under this section, if the Co-ordinator or a chief judge so requests, and for the purpose they have the Co-ordinator's authority.

Assignment of duties to presiding justice

**15.**—(1) The following duties shall not be assigned to a presiding justice of the peace:

R.S.C. 1985, c. C-46

- (a) presiding at the trial of an offence under the *Criminal Code* (Canada);
- (b) presiding at the trial of an offence under any other Act of the Parliament of Canada, unless the offence is prescribed as an offence to the trial of which a presiding justice of the peace may be assigned;
- (c) holding a preliminary inquiry under Part XVIII of the *Criminal Code* (Canada);
- (d) exercising jurisdiction under section 67 (reading proclamation at riot), paragraph 537 (1) (b) or subsection 537 (2) or (3) (where accused may be men-

14 (1) Le coordonnateur est chargé de l'administration et Surveillance, de la surveillance des sessions des juges de paix et de l'assicoordonnateur gnation de leurs fonctions. Ceci, sous réserve de la direction du juge en chef de la Cour provinciale (Division criminelle) ou, en ce qui concerne la compétence de la Cour provinciale (Division de la famille), du juge en chef de ce tribunal.

(2) Le pouvoir du coordonnateur en ce qui concerne l'assi- Idem gnation des fonctions des juges de paix comprend le pouvoir de fixer la date, l'heure et le lieu où ces fonctions seront exercées.

(3) Le juge de paix à temps partiel n'exerce les fonctions Tableau de d'un juge de paix qu'en conformité avec un tableau de service établi par le coordonnateur.

(4) Les tableaux de service sont mis à la disposition des Tableaux de membres du public.

service accessibles au public

(5) Les juges de paix à temps partiel soumettent au coor-Rapport donnateur, à sa demande, des rapports qui comprennent les renseignements prescrits au sujet des fonctions qu'ils ont remplies.

(6) Les juges provinciaux prêtent leur aide au coordonnateur, en ce qui concerne la surveillance des juges de paix et l'assignation de leurs fonctions, et dans l'exercice des autres compétences du coordonnateur visées au présent article, à la demande du coordonnateur ou d'un juge en chef. À cette fin, ils disposent des mêmes pouvoirs que le coordonnateur.

Aide au coordonnateur

15 (1) Les fonctions suivantes ne sont pas assignées au juge de paix-président :

Assignation des fonctions au juge de paix-président

présider le procès relatif à une infraction visée au a) Code criminel (Canada);

L.R.C. 1985, chap. C-46

- présider le procès relatif à une infraction visée à une b) autre loi du Parlement du Canada, à moins que l'infraction n'ait été prescrite comme étant une infraction dont un juge de paix-président peut être affecté à présider le procès qui y est relatif;
- tenir une enquête préliminaire aux termes de la parc) tie XVIII du Code criminel (Canada);
- exercer les compétences visées à l'article 67 du d) Code criminel (Canada) (proclamation lors d'une émeute), à l'alinéa 537 (1) b) et aux paragraphes

tally ill) or section 543 (remand where offence committed in another jurisdiction) of the Criminal Code (Canada).

Exception

(2) Subsection (1) does not apply to adjournments.

Assignment of duties to justice

- **16.** The following duties shall not be assigned to a nonnon-presiding presiding justice of the peace:
  - (a) the duties described in section 15;
  - presiding at the trial of an offence that is prescribed as one to the trial of which a presiding justice of the peace may be assigned;
  - presiding at the trial of an offence under an Act of the Legislature or under a regulation or by-law made under the authority of such an Act;
  - (d) exercising jurisdiction under section 7 (plea of guilty with representations) or 9 or 19 (default conviction) of the Provincial Offences Act;
  - (e) presiding at a hearing to determine whether a person should be released from or detained in custody;
  - (f) exercising authority to issue a warrant to levy a tax, toll or dues under,

R.S.C. 1985, c. P-38

R.S.O. 1980,

c. 400

(i) section 33 of the *Public Works Act* (Canada),

R.S.O. 1980, c. 229

(ii) section 66 of the Lakes and Rivers Improvement Act, or

R.S.O. 1980, c. 302

- (iii) subsection 387 (6) of the Municipal Act;
- determining whether a thing should be forfeited or held under.

R.S.C. 1985, c. M-7

(i) section 8 of the Migratory Birds Convention Act (Canada), or

537 (2) et (3) (procédures lorsque le prévenu peut être atteint d'une maladie mentale) et à l'article 543 de cette loi (renvoi lorsque l'infraction a été commise dans une autre juridiction).

(2) Le paragraphe (1) ne s'applique pas aux ajournements.

Exception

16 Les fonctions suivantes ne sont pas assignées au juge de Assignation paix non-président :

des fonctions au juge de paix nonprésident

- les fonctions décrites à l'article 15: a)
- présider le procès relatif à une infraction qui est b) prescrite comme étant une infraction dont un juge de paix-président peut être affecté à présider le procès qui y est relatif;
- c) présider le procès relatif à une infraction visée à une loi de la Législature, ou à un règlement pris en application d'une telle loi;
- d) exercer une compétence en vertu de l'article 7 de la Loi sur les infractions provinciales (plaidoyer de cul- L.R.O. 1980, pabilité et observations) ou en vertu de l'article 9 ou chap. 400 19 de cette loi (reconnaissance de culpabilité en l'absence du défendeur):

- présider une audience pour décider si une personne e) devrait être détenue sous garde ou libérée;
- f) exercer le pouvoir de décerner des mandats afin de percevoir des impôts, des droits ou des péages en vertu des dispositions suivantes :
  - (i) l'article 33 de la Loi sur les travaux publics L.R.C. 1985, chap. P-38 (Canada),
  - (ii) l'article 66 de la Loi sur l'aménagement des L.R.O. 1980, lacs et des rivières.
  - (iii) le paragraphe 387 (6) de la Loi sur les L.R.O. 1980, municipalités;
- décider si des choses doivent être confisquées ou g) détenues en vertu des dispositions suivantes :
  - (i) l'article 8 de la Loi sur la Convention concer- L.R.C. 1985, chap. M-7 nant les oiseaux migrateurs (Canada),

R.S.C. 1985, c. N-14

- (ii) subsection 8 (3) of the *National Parks Act* (Canada);
- R.S.O. 1980, c. 262
- (h) determining whether an order should be issued under section 10 of the *Mental Health Act* (examination by physician);
- (i) presiding at a hearing to determine a dispute under,

R.S.C. 1985, c. S-9 (i) section 205 of the Canada Shipping Act,

R.S.C. 1985, c. F-14 (ii) section 11 of the Fisheries Act (Canada),

R.S.O. 1980, c. 257 (iii) section 4 of the Master and Servant Act, or

R.S.O. 1980, c. 372

- (iv) section 25, 26 or 27 of the Pawnbrokers Act;
- (j) a duty that is prescribed as one that shall not be assigned to a non-presiding justice.

Jurisdiction of justices

<u>17.</u>—(1) Justices of the peace have jurisdiction throughout Ontario.

Idem

(2) Subject to sections 15 and 16, justices of the peace shall exercise the powers and perform the duties conferred or imposed on a justice of the peace by or under an Act of the Legislature or of the Parliament of Canada.

Justices to assist public

(3) Justices of the peace shall assist members of the public, at their request, in formulating informations in respect of offences.



Salary of part-time justices

**18.** The salary, if any, to which each part-time justice of the peace is entitled shall be based on the Co-ordinator's determination of the justice's workload and calculated in accordance with the regulations.

Directions

**19.**—(1) The Co-ordinator may issue directions to justices of the peace on questions of law and procedure.

Directions binding on justices (2) Justices of the peace shall follow a direction issued under subsection (1) unless it has been disapproved by a court on an appeal or a review.

- (ii) le paragraphe 8 (3) de la *Loi sur les parcs* L.R.C. 1985, nationaux (Canada);
- h) décider si une ordonnance doit être rendue en vertu de l'article 10 de la *Loi sur la santé mentale* L.R.O. 1980, (examen par un médecin);
- i) présider des audiences en vue de régler des différends en vertu des dispositions suivantes :
  - (i) l'article 205 de la *Loi sur la marine marchande* L.R.C. 1985, du Canada,
  - (ii) l'article 11 de la *Loi sur les pêcheries* L.R.C. 1985. (Canada),
  - (iii) l'article 4 de la *Loi sur le louage de services*, L.R.O. 1980, chap. 257
  - (iv) les articles 25, 26 et 27 de la *Loi sur le prêt sur* L.R.O. 1980, gage;
- j) exercer les fonctions qui ont été prescrites comme étant des fonctions qui ne sont pas assignées au juge de paix non-président.
- 17 (1) Les juges de paix ont compétence dans tout Compétence des juges de paix
- (2) Sous réserve des articles 15 et 16, les juges de paix exercent les pouvoirs et remplissent les fonctions que leur confère une loi de la Législature ou du Parlement du Canada ou qui leur sont conférées en vertu d'une telle loi.
- (3) Les juges de paix prêtent leur aide aux membres du public, lorsque ces derniers le demandent, en ce qui concerne la formulation des dénonciations.
- 18 Les traitements, le cas échéant, auxquels ont droit les juges de paix à temps partiel correspondent à l'évaluation de leurs charges de travail que fait le coordonnateur. Les traitements ments sont calculés conformément aux règlements.
- 19 (1) Le coordonnateur peut donner aux juges de paix Directives des directives portant sur des questions de droit et de procédure.
- (2) Les juges de paix suivent la directive donnée aux termes Effet sur les du paragraphe (1), à moins qu'elle n'ait été désapprouvée par le tribunal lors d'un appel ou d'une révision.

Directions to be published (3) The Co-ordinator shall cause the directions to be published in *The Ontario Gazette*.

Immunity from liability

**20.** A justice of the peace has the same immunity from liability as a judge of the Supreme Court.

Regulations

**21.**—(1) The Lieutenant Governor in Council may make regulations,

R.S.C. 1985, c. C-46

- (a) prescribing offences under Acts of Parliament other than the *Criminal Code* (Canada) in respect of which a presiding justice of the peace may be assigned to preside at a trial;
- (b) prescribing the information to be included in reports under subsection 14 (5);
- (c) prescribing the salaries of full-time justices of the peace and prescribing the manner in which the salaries of part-time justices of the peace shall be calculated, including the factors to be taken into account and the method of calculation to be used;
- (d) providing for the benefits to which full-time and part-time justices of the peace are entitled;
- (e) providing for the payment of additional compensation to full-time and part-time justices of the peace for special assignments;
- (f) prescribing duties that shall not be assigned to a non-presiding justice of the peace.

Classes

(2) A regulation made under clause (1) (c) or (d) may prescribe classes of full-time and part-time justices of the peace for the purpose of salaries and benefits.

Justices of the peace who are public servants (3) A regulation made under clause (1) (c) or (d) may provide that the duties performed, in the course of their public service employment, by justices of the peace who are also employed in the public service of Ontario shall not be considered in calculating their salary and benefits under this Act.

Contributions

(4) A regulation made under clause (1) (d) may require justices of the peace to contribute from their salaries part of the cost of a benefit and may fix the amount of the contributions.

- (3) Le coordonnateur fait publier les directives dans la Publication Gazette de l'Ontario.
- 20 Le juge de paix jouit de la même immunité qu'un juge Immunité de la Cour suprême en ce qui concerne la responsabilité personnelle.
- 21 (1) Le lieutenant-gouverneur en conseil peut, par Règlements règlement:
  - prescrire des infractions visées aux lois du Parlea) ment du Canada, à l'exclusion du Code criminel L.R.C. 1985, (Canada), dont un juge de paix-président peut être affecté au procès qui y est relatif;
  - prescrire les renseignements qui doivent figurer b) dans les rapports visés au paragraphe 14 (5);
  - c) prescrire les traitements des juges de paix à temps plein et prescrire les modalités selon lesquelles sont calculés les traitements des juges de paix à temps partiel, y compris les facteurs dont il est tenu compte et la méthode de calcul utilisée;
  - d) prévoir les avantages sociaux auxquels ont droit les juges de paix à temps plein et à temps partiel;
  - e) prévoir le versement d'une rémunération additionnelle aux juges de paix à temps plein et à temps partiel en ce qui concerne les affectations particulières:
  - f) prescrire les fonctions qui ne sont pas assignées au juge de paix non-président.
- (2) Un règlement pris en application de l'alinéa (1) c) ou d) Catégories peut prescrire des catégories de juges de paix à temps plein et à temps partiel aux fins de leurs traitements et avantages sociaux.
- (3) Un règlement pris en application de l'alinéa (1) c) ou d) Juges de paix peut prévoir qu'il n'est pas tenu compte, en ce qui concerne le fonctionnaires calcul de leurs traitements et avantages sociaux en vertu de la présente loi, des fonctions qu'accomplissent dans le cadre de leur travail au sein de la fonction publique des juges de paix qui font également partie de la fonction publique.

(4) Un règlement pris en application de l'alinéa (1) d) peut Cotisations exiger que soient prélevées sur les traitements des juges de paix des cotisations qui couvrent une partie du coût d'un

Benefits

(5) A regulation made under clause (1) (d) may provide that justices of the peace whose salaries are less than prescribed amounts are not entitled to prescribed benefits.

Territorial limitations

(6) A regulation made under clause (1) (e) may be limited territorially.

Application of certain provisions

**22.**—(1) Sections 4, 15, 16 and 18 and subsection 17 (2) do not apply in an area in Ontario until the Lieutenant Governor in Council by regulation provides that they apply in that area.

Idem

- (2) The following apply in any area in which sections 4, 15, 16 and 18 and subsection 17 (2) do not apply:
  - 1. Justices of the peace shall exercise the powers and perform the duties conferred or imposed on a justice of the peace by or under an Act of the Legislature or of the Parliament of Canada when so directed by the Co-ordinator or a judge designated by the Co-ordinator.
  - 2. Part-time justices of the peace shall be paid such fees, allowances and expenses as are prescribed under the *Administration of Justice Act*.

R.S.O. 1980, c. 6

3. Despite section 6, a part-time justice of the peace appointed before the day section 6 comes into force may exercise the powers and perform the duties of a justice of the peace after attaining the age of seventy years when assigned to do so by the Co-ordinator or a judge designated by the Co-ordinator.

Regulations

- (3) The Lieutenant Governor in Council may make regulations declaring that sections 4, 15, 16 and 18 and subsection 17 (2) apply in one or more areas of the Province.
- 23.—(1) Section 2 of the Commissioners for taking Affidavits Act, being chapter 75 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Provincial judges, justices of the peace

(1a) Every provincial judge and every justice of the peace is *ex officio* a commissioner for taking affidavits in Ontario.

avantage social. Ce règlement peut également fixer le montant des cotisations.

(5) Un règlement pris en application de l'alinéa (1) d) peut Avantages prévoir que les juges de paix dont les traitements sont inférieurs à des montants prescrits n'ont pas droit à des avantages sociaux prescrits.

(6) Un règlement pris en application de l'alinéa (1) e) peut Limitations être assujetti à des limitations territoriales.

territoriales

**22** (1) Les articles 4, 15, 16 et 18 et le paragraphe 17 (2) ne s'appliquent pas dans une région de l'Ontario avant que le de certaines lieutenant-gouverneur en conseil ne prévoie, par règlement, dispositions leur application dans cette région.

d'application

- (2) Les règles qui suivent s'appliquent à toute région à Idem laquelle les articles 4, 15, 16 et 18 et le paragraphe 17 (2) ne s'appliquent pas:
  - 1. Lorsque le coordonnateur ou le juge qu'il désigne le leur ordonne, les juges de paix exercent les pouvoirs et remplissent les fonctions que leur confère une loi de la Législature ou du Parlement du Canada ou qui leur sont conférés en vertu d'une telle loi.
  - Les juges de paix à temps partiel reçoivent les honoraires, indemnités et débours qui sont prescrits en vertu de la Loi sur l'administration de la justice.

L.R.O. 1980, chap. 6

- Malgré l'article 6, lorsque le coordonnateur ou le juge qu'il désigne lui assigne de ce faire, le juge de paix à temps partiel qui a été nommé avant le jour de l'entrée en vigueur de l'article 6 peut exercer les pouvoirs et remplir les fonctions d'un juge de paix après avoir atteint l'âge de soixante-dix ans.
- (3) Le lieutenant-gouverneur en conseil peut prendre des Règlements règlements qui prévoient l'application des articles 4, 15, 16 et 18 et du paragraphe 17 (2) dans une ou plusieurs régions de la province.

- 23 (1) L'article 2 de la Loi sur les commissaires aux affidavits, qui constitue le chapitre 75 des Lois refondues de l'Ontario de 1980, est modifié par adjonction du paragraphe suivant:
- (1a) Every provincial judge and every justice of the peace is ex officio a commissioner for taking affidavits in Ontario.\*

Provincial justices of the peace

- (2) Section 13 of the said Act is amended by striking out "notary public or justice of the peace" in the third line and inserting in lieu thereof "or notary public".
- <u>24.</u> Subsection 61 (3) of the Courts of Justice Act, 1984, being chapter 11, is repealed.
- 25. Paragraph 1 of subsection 5 (1) of the *Election Act*, 1984, being chapter 54, is amended by adding at the end thereof "or justices of the peace".
- 26. The Justices of the Peace Act, being chapter 227 of the Revised Statutes of Ontario, 1980, the Justices of the Peace Amendment Act, 1984, being chapter 8 and section 22 of the Equality Rights Statute Law Amendment Act, 1986, being chapter 64, are repealed.
- 27. Clause 8 (2) (c) of the Legislative Assembly Act, being chapter 235 of the Revised Statutes of Ontario, 1980, is amended by striking out "justice of the peace" in the first line.
- **28.** Subsection 13 (1) of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is repealed.
- **29.**—(1) Sections 1, 2, 3 and 5 and subsection 6 (1) of the *Public Authorities Protection Act*, being chapter 406 of the Revised Statutes of Ontario, 1980, are repealed.
- (2) Subsection 7 (1) of the said Act is amended by striking out "against the justice of the peace who made the conviction or" in the second and third lines.

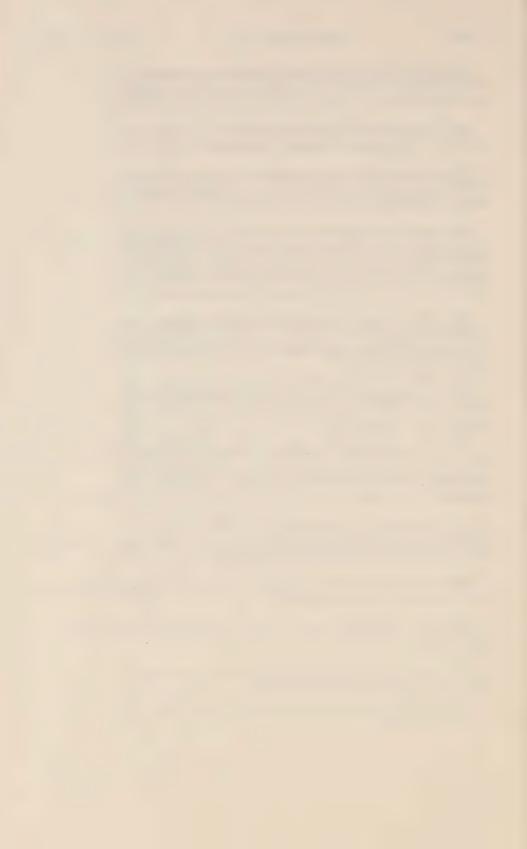
Commencement <u>30.</u> This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. The short title of this Act is the Justices of the Peace Act, 1989.

- (2) L'article 13 de cette loi est modifié par substitution, à «notary public or justice of the peace» à la troisième ligne, de «or notary public».
- **24** Le paragraphe 61 (3) de la *Loi de 1984 sur les tribunaux judiciaires*, qui constitue le chapitre 11, est abrogé.
- 25 La disposition 1 du paragraphe 5 (1) de la *Loi électorale de 1984*, qui constitue le chapitre 54, est modifiée par adjonction de «or justices of the peace».
- 26 La Loi sur les juges de paix, qui constitue le chapitre 227 des Lois refondues de l'Ontario de 1980, la Loi de 1984 modifiant la Loi sur les juges de paix, qui constitue le chapitre 8 et l'article 22 de la Loi de 1986 modifiant des lois concernant les droits à l'égalité, qui constitue le chapitre 64, sont abrogés.
- **27** L'alinéa 8 (2) c) de la *Loi sur l'Assemblée législative*, qui constitue le chapitre 235 des Lois refondues de l'Ontario de 1980, est modifié par suppression des mots «justice of the peace» à la première ligne.
- **28** Le paragraphe 13 (1) de la *Loi sur les mines*, qui constitue le chapitre 268 des Lois refondues de l'Ontario de 1980, est abrogé.
- **29** (1) Les articles 1, 2, 3 et 5 et le paragraphe 6 (1) de la *Loi sur l'immunité des personnes publiques*, qui constitue le chapitre 406 des Lois refondues de l'Ontario de 1980, sont abrogés.
- (2) Le paragraphe 7 (1) de cette loi est modifié par suppression des mots «against the justice of the peace who made the conviction or» aux deuxième et troisième lignes.
- 30 La présente loi entre en vigueur le jour que le lieute- Entrée en vigueur nant-gouverneur fixe par proclamation.
- 31 Le titre abrégé de la présente loi est *Loi de 1989 sur les* Titre abrégé juges de paix.
- \*Les lois modifiées n'ayant été promulguées qu'en anglais, il n'existe pas de texte français exigeant une modification législative.

Because the amended statutes were enacted only in English, there is no French text to amend.



× B
Bill 93 - 856

2ND SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

## Bill 93

(Chapter 46 Statutes of Ontario, 1989)

# An Act to revise the Justices of the Peace Act

The Hon. I. Scott

Attorney General

1st Reading January 6th, 1988

2nd Reading June 14th, 1989

3rd Reading July 26th, 1989

Royal Assent July 26th, 1989

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.

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## Projet de loi 93

2º SESSION, 34º LÉGISLATURE, ONTARIO 38 ELIZABETH II, 1989

C MENT PTOPES



(Chapitre 46 Lois de l'Ontario de 1989)

## Loi portant révision de la Loi sur les juges de paix

L'honorable I. Scott procureur général

1<sup>re</sup> lecture 6 janvier 1988

2<sup>e</sup> lecture 14 juin 1989

*3e lecture* 26 juillet 1989

sanction royale 26 juillet 1989

Reporté de la 1<sup>re</sup> session par ordre de l'Assemblée législative daté du 2 mars 1989.

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## Bill 93

## 1989

## An Act to revise the Justices of the Peace Act

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- 22. Application of certain provisions
- 23-29. Complementary amendments and repeals
- 30. Commencement
- 31. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### Definitions

## 1. In this Act,

"Co-ordinator" means the Co-ordinator of Justices of the Peace appointed under section 13; ("coordonnateur")

"non-presiding justice of the peace" means a person designated as a non-presiding justice of the peace under section 4; ("juge de paix non-président")

"prescribed" means prescribed by the regulations; ("prescrit")

"presiding justice of the peace" means a person designated as a presiding justice of the peace under section 4; ("juge de paix-président")

"regulations" means the regulations made under this Act; ("règlements")

## Projet de loi 93

1989

## Loi portant révision de la Loi sur les juges de paix

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- 22 Champ d'application de certaines dispositions
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- 30 Entrée en vigueur
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SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions

- «Conseil d'évaluation» Le Conseil d'évaluation des juges de paix maintenu en fonction par l'article 9. («Review Council»)
- «coordonnateur» Le coordonnateur des juges de paix nommé en vertu de l'article 13. («Co-ordinator»)
- «juge de paix non-président» Personne désignée comme juge de paix non-président en vertu de l'article 4. («nonpresiding justice of the peace»)
- «juge de paix-président» Personne désignée comme juge de paix-président en vertu de l'article 4. («presiding justice of the peace»)
- «prescrit» Prescrit par les règlements. («prescribed»)

"Review Council" means the Justices of the Peace Review Council continued by section 9. ("Conseil d'évaluation")

Appointment of justices

**2.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint full-time and part-time justices of the peace.

Transition R.S.O. 1980, c. 227 (2) Every person who receives a salary as a justice of the peace in accordance with subsection 7 (2) of the *Justices of the Peace Act* immediately before this Act comes into force shall be deemed to have been appointed as a full-time justice of the peace and every other person who is a justice of the peace immediately before this Act comes into force shall be deemed to have been appointed as a part-time justice of the peace.

Reappointment as part-time (3) The Lieutenant Governor in Council shall not appoint a full-time justice of the peace to be a part-time justice of the peace unless the Review Council recommends the reappointment.

Other work

(4) A justice of the peace shall not engage in any other remunerative work without the approval of the Review Council.

Oath of office

**3.** Every justice of the peace, before beginning the duties of office, shall make the following oath or affirmation in French or in English:

I, ......, solemnly swear (affirm) that I will faithfully and to the best of my skill and knowledge, execute the duties of a justice of the peace, and I will do so without fear or favour, affection or ill will. So help me God. (Omit last sentence in an affirmation.)

Presiding or non-presiding **4.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall designate every justice of the peace appointed after the coming into force of this Act as a presiding justice of the peace or a non-presiding justice of the peace.

Deemed designation

(2) Every justice of the peace who is authorized to preside at the trial of an offence described in clause 16 (c) (provincial offences) immediately before this Act comes into force and has not attained the age of seventy at that time shall be deemed to have been designated as a presiding justice of the peace.

Designation of other justices

(3) The Lieutenant Governor in Council, on the recommendation of the Review Council, may designate any other justice of the peace who is appointed before this Act comes into force and has not attained the age of seventy as a presid-

«règlements» Les règlements pris en application de la présente loi. («regulations»)

2 (1) Le lieutenant-gouverneur en conseil peut, sur la Nomination recommandation du procureur général, nommer des juges de paix paix à temps plein et à temps partiel.

(2) Les personnes qui reçoivent un traitement à titre de Disposition juge de paix conformément au paragraphe 7 (2) de la Loi sur les juges de paix immédiatement avant l'entrée en vigueur de chap. 227 la présente loi sont réputées avoir été nommées juges de paix à temps plein. Les autres personnes qui sont juges de paix immédiatement avant l'entrée en vigueur de la présente loi sont réputées avoir été nommées juges de paix à temps partiel.

L.R.O. 1980,

(3) Le lieutenant-gouverneur en conseil ne nomme pas un Nouvelle juge de paix à temps plein pour qu'il devienne juge de paix à temps partiel temps partiel, à moins que le Conseil d'évaluation ne recommande cette nouvelle nomination.

nomination à

(4) Le juge de paix n'entreprend aucun autre travail rému- Autres néré sans l'approbation du Conseil d'évaluation.

3 Avant d'entrer en fonction, le juge de paix fait la presta-Serment tion de serment ou l'affirmation solennelle suivante, en français ou en anglais:

Je soussigné(e),..., déclare sous serment (affirme) que j'accomplirai fidèlement et de mon mieux les fonctions de juge de paix, et que j'agirai sans peur ni favoritisme, parti pris ni mauvaise volonté. Ainsi que Dieu me soit en aide. (S'il s'agit d'une affirmation, ne pas ajouter la dernière phrase.)

4 (1) Le lieutenant-gouverneur en conseil, sur la recom- Juge de paixmandation du procureur général, désigne chaque juge de paix président ou non-président nommé après l'entrée en vigueur de la présente loi à titre de juge de paix-président ou juge de paix non-président.

(2) Sont réputés avoir été désignés à titre de juges de paix- Désignation présidents les juges de paix qui sont autorisés à présider le procès relatif à une infraction décrite à l'alinéa 16 c) (infractions provinciales) immédiatement avant l'entrée en vigueur de la présente loi et qui n'ont pas, à ce moment, atteint l'âge de soixante-dix ans.

(3) Le lieutenant-gouverneur en conseil, sur la recomman- Désignation dation du Conseil d'évaluation, peut désigner d'autres juges de paix de paix nommés avant l'entrée en vigueur de la présente loi et qui n'ont pas atteint l'âge de soixante-dix ans à titre de juges de paix-présidents ou non-présidents.

ing justice of the peace or a non-presiding justice of the peace.

Undesignated justices

(4) A person appointed as a justice of the peace before this Act comes into force who is not designated under subsection (2) or (3) shall not exercise any authority or receive any remuneration as a justice of the peace.

Change of designation

(5) The Lieutenant Governor in Council shall not change the designation of a presiding justice of the peace to that of non-presiding justice of the peace.

Justices of the peace, ex officio **5.** Every judge of the Supreme Court of Canada, the Federal Court of Canada, the Supreme Court of Ontario and the District Court of Ontario and every provincial judge is by virtue of his or her office a justice of the peace and also has power to do alone whatever two or more justices of the peace are authorized to do together.

Retirement

**6.** Every justice of the peace shall retire upon attaining the age of seventy years.

Resignation

**7.**—(1) A justice of the peace may resign from his or her office by delivering a signed letter of resignation to the Attorney General.

Effective date

(2) The resignation takes effect on the day the letter is delivered to the Attorney General or, if the letter specifies a later day, on that day.

Removal from office

**8.**—(1) A justice of the peace may be removed from office only by order of the Lieutenant Governor in Council.

Grounds for removal

- (2) The order may be made only if,
  - (a) a complaint regarding the justice of the peace has been made to the Review Council; and
  - (b) the removal is recommended, following an inquiry held under section 12, on the ground that the justice of the peace has become incapacitated or disabled from the due execution of his or her office by reason of,
    - (i) infirmity,
    - (ii) conduct that is incompatible with the execution of the duties of his or her office, or

(4) La personne qui a été nommée juge de paix avant l'en- Juges de paix trée en vigueur de la présente loi, mais qui n'est pas désignée aux termes du paragraphe (2) ou (3), n'exerce aucune compétence d'un juge de paix et ne reçoit aucune rémunération à ce titre.

(5) Le lieutenant-gouverneur en conseil ne change pas la Changement désignation du juge de paix-président en celle de juge de paix tion non-président.

de la désigna-

5 Sont juges de paix d'office les juges de la Cour suprême Juges de paix du Canada, de la Cour fédérale du Canada, de la Cour suprême de l'Ontario et de la Cour de district de l'Ontario, ainsi que les juges provinciaux. En outre, chacun d'eux a le pouvoir d'accomplir seul les actes que deux ou plusieurs juges de paix sont autorisés à accomplir ensemble.

- 6 Le juge de paix prend sa retraite à l'âge de soixante-dix Retraite ans.
- 7 (1) Le juge de paix peut démissionner en remettant au Démission procureur général une lettre signée à cet effet.
- (2) La démission prend effet le jour où elle est remise au Date de prise procureur général ou, si la lettre de démission précise un jour postérieur, elle prend effet ce jour.
- **8** (1) Le juge de paix ne peut être destitué que par décret Destitution du lieutenant-gouverneur en conseil.
  - (2) Le décret ne peut être pris que si :

Motifs permettant la destitution

- une plainte à son sujet a été portée au Conseil a) d'évaluation;
- sa destitution est recommandée, à la suite d'une b) enquête tenue aux termes de l'article 12, en raison du fait qu'il est devenu incapable de remplir convenablement ses fonctions ou inhabile pour l'une des raisons suivantes:
  - (i) il souffre d'une infirmité,
  - (ii) sa conduite est incompatible avec l'exercice de ses fonctions,

(iii) having failed to perform the duties of his or her office as assigned.

Order to be tabled

(3) The order shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

Review Council

- **9.**—(1) The Justices of the Peace Review Council is continued and shall be composed of,
  - (a) the Chief Judge of the Provincial Court (Criminal Division) who shall preside over the Review Council;
  - (b) the Chief Judge of the Provincial Court (Family Division);
  - (c) the Co-ordinator;
  - (d) a justice of the peace appointed by the Lieutenant Governor in Council; and
  - (e) not more than two other persons appointed by the Lieutenant Governor in Council.

Quorum

(2) A majority of members of the Review Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Review Council.

Staff R.S.O. 1980, c. 418

(3) Such officers and employees of the Review Council as are considered necessary may be appointed under the *Public Service Act*.

Expert assistance

(4) The Review Council may engage persons, including counsel, to assist it in its investigations.

**Functions** 

- **10.**—(1) The functions of the Review Council are,
  - (a) to consider all proposed appointments and designations of justices of the peace and make reports concerning them to the Attorney General;
  - (b) to receive and investigate complaints against justices of the peace.

Liability for damages

(2) No action or other proceeding for damages shall be instituted against the Review Council or its members or officers or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his or her duty.

- (iii) il n'a pas rempli les fonctions qui lui sont assignées.
- (3) Le décret est déposé devant l'Assemblée législative si Dépôt du elle siège, sinon, dans les quinze jours qui suivent le début de la session suivante.
- **9** (1) Le Conseil d'évaluation des juges de paix est maintenu et se compose des membres suivants :
  - a) le juge en chef de la Cour provinciale (Division criminelle), qui préside le Conseil;
  - b) le juge en chef de la Cour provinciale (Division de la famille);
  - c) le coordonnateur;
  - d) un juge de paix nommé par le lieutenant-gouverneur en conseil;
  - e) deux autres personnes, au plus, nommées par le lieutenant-gouverneur en conseil.
- (2) La majorité des membres du Conseil d'évaluation constitue le quorum et peut exercer tous les pouvoirs et la compétence du Conseil.
- (3) Les employés du Conseil jugés nécessaires peuvent être Personnel engagés aux termes de la *Loi sur la fonction publique*.

  L.R.O. 1980. chap. 418
- (4) Le Conseil d'évaluation peut engager d'autres person- Experts nes, notamment des avocats, pour l'aider dans ses enquêtes.
- **10** (1) Les fonctions du Conseil d'évaluation sont les Fonctions suivantes :
  - a) examiner les candidatures aux postes de juges de paix, ainsi que leurs désignations proposées, et en faire rapport au procureur général;
  - b) recevoir les plaintes portées contre les juges de paix et faire enquête à leur sujet.
- (2) Aucune action ou poursuite en dommages-intérêts ne peut être intentée contre le Conseil d'évaluation, ses membres ou employés ni contre quiconque agit sous son autorité, à l'égard d'un acte accompli de bonne foi dans l'exercice ou en vue de l'exercice de ses fonctions.

Responsabilité pour dommages-intérêts Investigation of complaints

11.—(1) When the Review Council receives a complaint against a justice of the peace, it shall take such action to investigate the complaint, including a review of it with the justice of the peace, as it considers advisable.

Referral to Co-ordinator

(2) The Review Council may, if it considers it appropriate to do so, transmit complaints to the Co-ordinator.

Proceedings not public

(3) The proceedings of the Review Council shall not be public, but it may inform the Attorney General that it has undertaken an investigation and the Attorney General may make that fact public.

Prohibiting publication

(4) The Review Council may order that information or documents relating to its investigation not be published or disclosed except as required by law.

Powers R.S.O. 1980, c. 411

(5) The Review Council has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act.

Notice of disposition

- (6) When the Review Council has dealt with a complaint regarding a justice of the peace, it shall inform,
  - (a) the person who made the complaint; and
  - (b) the justice of the peace, if the complaint was brought to his or her attention,

of its disposition of the complaint.

Report and recommendations

- (7) The Review Council may report its opinion regarding the complaint to the Attorney General and may recommend,
  - (a) that an inquiry be held under section 12;
  - (b) that the justice of the peace be compensated for all or part of his or her costs in connection with the investigation.

Copy to justice

(8) A copy of the report shall be given to the justice of the peace.

Right to be heard

(9) The Review Council shall not make a report unless the justice of the peace was notified of the investigation and given an opportunity to be heard and to produce evidence.

Publication of report

(10) The Attorney General may make all or part of the report public, if he or she is of the opinion that it is in the public interest to do so.

11 (1) Lorsque le Conseil d'évaluation reçoit une plainte Enquête sur contre un juge de paix, il prend les mesures qu'il estime opportunes pour faire enquête. Ces mesures peuvent comprendre une discussion de la plainte avec le juge de paix.

(2) Le Conseil d'évaluation peut, s'il le juge opportun, Plaintes transtransmettre des plaintes au coordonnateur.

mises au coordonnateur

(3) Les enquêtes sont tenues à huis clos, mais le Conseil Huis clos d'évaluation peut aviser le procureur général qu'il a entrepris une enquête. Le procureur général peut informer le public de ce fait.

(4) Le Conseil d'évaluation peut ordonner que des rensei- Publication gnements ou des documents qui portent sur l'enquête ne soient ni publiés ni divulgués, sauf dans la mesure exigée par la loi.

(5) Le Conseil d'évaluation possède les pouvoirs d'une Pouvoirs commission aux termes de la partie II de la Loi sur les enquê- L.R.O. 1980, tes publiques. Cette partie s'applique à l'enquête du Conseil comme si elle était tenue en vertu de cette loi.

chap. 411

(6) Lorsque le Conseil d'évaluation a traité d'une plainte relative à un juge de paix, il avise de la décision prise à l'égard de la plainte :

Avis de la

- la personne qui a porté plainte;
- le juge de paix, si la plainte a été portée à son attention.
- (7) Le Conseil d'évaluation peut faire rapport au procu-Rapport et reur général de son opinion à l'égard de la plainte et tions recommander:

- qu'une enquête soit tenue aux termes de l'article 12;
- b) que le juge de paix soit indemnisé, en tout ou en partie, des dépens que lui a occasionnés l'enquête.
- (8) Une copie du rapport est remise au juge de paix.

Copie au juge de paix

(9) Le Conseil d'évaluation ne fait pas de rapport s'il n'a pas avisé le juge de paix de la tenue de l'enquête et ne lui a pas fourni l'occasion de se faire entendre et de présenter des preuves.

Droit de se faire entendre

(10) Le procureur général peut publier le rapport, en tout Publication ou en partie, s'il le juge dans l'intérêt public.

du rapport

Transition R.S.O. 1980, c. 227

(11) An investigation commenced under section 8 of the *Justices of the Peace Act* but not completed before this Act comes into force shall be continued in accordance with this Act by the Review Council as constituted under that section.

Inquiry

**12.**—(1) The Lieutenant Governor in Council may appoint a provincial judge to inquire into the question of whether a justice of the peace should be removed from office.

Powers R.S.O. 1980, c. 411 Report

- (2) The *Public Inquiries Act* applies to the inquiry.
- (3) The report of the inquiry may recommend,
  - (a) that the justice of the peace be removed from office;
  - (b) that the justice of the peace be compensated for all or part of his or her costs in connection with the inquiry.

Tabling of report

(4) The report shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

Co-ordinator appointed

**13.**—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a provincial judge as Co-ordinator of Justices of the Peace.

Term of office

(2) The Co-ordinator shall hold office for five years.

Idem

(3) If a successor is not appointed within five years, the Coordinator shall continue in office until the successor is appointed, but in no case shall the Co-ordinator hold office for more than seven years.

Former Co-ordinator

- (4) A Co-ordinator whose term of office expires under subsection (2) or (3) shall continue to hold the office of provincial judge and is entitled to an annual salary equal to the greater of,
  - (a) the current annual salary of a provincial judge; or
  - (b) the annual salary he or she received immediately before ceasing to be Co-ordinator.

Co-ordinator not to be reappointed

(5) A Co-ordinator whose term of office expires under subsection (2) or (3) shall not be reappointed as Co-ordinator.

(11) L'enquête commencée en vertu de l'article 8 de la Loi Disposition sur les juges de paix et qui n'a pas été terminée avant l'entrée L.R.O. 1980, en vigueur de la présente loi est continuée, conformément à la chap. 227 présente loi, par le Conseil d'évaluation tel qu'il est constitué aux termes de cet article.

12 (1) Le lieutenant-gouverneur en conseil peut charger Enquête un juge provincial de faire enquête afin de déterminer si un juge de paix devrait être destitué.

(2) La Loi sur les enquêtes publiques s'applique à l'enquête.

Pouvoirs L.R.O. 1980, chap. 411

(3) Le rapport de l'enquête peut recommander :

Rapport

- a) que le juge de paix soit destitué de ses fonctions;
- b) que le juge soit indemnisé, en tout ou en partie, des dépens que lui a occasionnés l'enquête.
- (4) Le rapport est déposé devant l'Assemblée législative si Dépôt du elle siège, sinon, dans les quinze jours qui suivent le début de la session suivante.

13 (1) Le lieutenant-gouverneur en conseil, sur la recom- Nomination mandation du procureur général, nomme un juge provincial nateur en tant que coordonnateur des juges de paix.

- (2) Le coordonnateur exerce ses fonctions pendant une Mandat période de cinq ans.
- (3) En l'absence de nomination d'un successeur dans les Idem cinq ans, le coordonnateur continue à exercer ses fonctions jusqu'à la nomination du successeur. Le coordonnateur n'exerce toutefois pas ses fonctions pendant une période qui dépasse sept ans.

(4) Le coordonnateur dont le mandat expire aux termes du Ancien paragraphe (2) ou (3) continue à exercer les fonctions d'un juge provincial. Il a droit à un traitement annuel égal au plus élevé des montants suivants :

coordonnateur

- le traitement annuel que reçoit à ce moment-là un juge provincial;
  - le traitement annuel qu'il recevait immédiatement avant de cesser d'être coordonnateur.
- (5) Le coordonnateur dont le mandat expire aux termes du Nouvelle paragraphe (2) ou (3) n'est pas nommé de nouveau à ce poste.

Co-ordinator to supervise justices, assign duties **14.**—(1) The Co-ordinator has general supervision and direction over sittings of justices of the peace and the assignment of their duties, subject to the direction of the Chief Judge of the Provincial Court (Criminal Division) or, in matters relating to the jurisdiction of the Provincial Court (Family Division), the Chief Judge of that court.

Idem

(2) The Co-ordinator's authority to assign duties includes authority to direct the times and places that justices of the peace shall perform their duties.

Part-time justices to follow duty roster (3) A part-time justice of the peace shall not act as a justice of the peace except in accordance with a duty roster established by the Co-ordinator.

Duty rosters public (4) The duty rosters shall be made available to the public.

Reports on duties performed

(5) Part-time justices of the peace shall submit to the Coordinator, when required by the Co-ordinator, reports containing the prescribed information on the duties they have performed.

Assistance to Co-ordinator

(6) Provincial judges shall assist the Co-ordinator in the supervision of justices and assignment of their duties and in the exercise of the Co-ordinator's other functions under this section, if the Co-ordinator or a chief judge so requests, and for the purpose they have the Co-ordinator's authority.

Assignment of duties to presiding justice **15.**—(1) The following duties shall not be assigned to a presiding justice of the peace:

R.S.C. 1985, c. C-46

- (a) presiding at the trial of an offence under the *Criminal Code* (Canada);
- (b) presiding at the trial of an offence under any other Act of the Parliament of Canada, unless the offence is prescribed as an offence to the trial of which a presiding justice of the peace may be assigned;
- (c) holding a preliminary inquiry under Part XVIII of the *Criminal Code* (Canada);
- (d) exercising jurisdiction under section 67 (reading proclamation at riot), paragraph 537 (1) (b) or subsection 537 (2) or (3) (where accused may be men-

14 (1) Le coordonnateur est chargé de l'administration et Surveillance, de la surveillance des sessions des juges de paix et de l'assicoordonnateur gnation de leurs fonctions. Ceci, sous réserve de la direction du juge en chef de la Cour provinciale (Division criminelle) ou, en ce qui concerne la compétence de la Cour provinciale (Division de la famille), du juge en chef de ce tribunal.

(2) Le pouvoir du coordonnateur en ce qui concerne l'assi- Idem gnation des fonctions des juges de paix comprend le pouvoir de fixer la date, l'heure et le lieu où ces fonctions seront exercées.

(3) Le juge de paix à temps partiel n'exerce les fonctions Tableau de d'un juge de paix qu'en conformité avec un tableau de service établi par le coordonnateur.

(4) Les tableaux de service sont mis à la disposition des Tableaux de membres du public.

service accessibles au public

(5) Les juges de paix à temps partiel soumettent au coor-Rapport donnateur, à sa demande, des rapports qui comprennent les renseignements prescrits au sujet des fonctions qu'ils ont remplies.

(6) Les juges provinciaux prêtent leur aide au coordonna- Aide au coorteur, en ce qui concerne la surveillance des juges de paix et l'assignation de leurs fonctions, et dans l'exercice des autres compétences du coordonnateur visées au présent article, à la demande du coordonnateur ou d'un juge en chef. À cette fin, ils disposent des mêmes pouvoirs que le coordonnateur.

donnateur

15 (1) Les fonctions suivantes ne sont pas assignées au juge de paix-président :

Assignation des fonctions au juge de paix-président

présider le procès relatif à une infraction visée au a) Code criminel (Canada);

L.R.C. 1985, chap. C-46

- présider le procès relatif à une infraction visée à une autre loi du Parlement du Canada, à moins que l'infraction n'ait été prescrite comme étant une infraction dont un juge de paix-président peut être affecté à présider le procès qui y est relatif;
- tenir une enquête préliminaire aux termes de la partie XVIII du Code criminel (Canada);
- d) exercer les compétences visées à l'article 67 du Code criminel (Canada) (proclamation lors d'une émeute), à l'alinéa 537 (1) b) et aux paragraphes

R.S.C. 1985. c. C-46

tally ill) or section 543 (remand where offence committed in another jurisdiction) of the Criminal Code (Canada).

Exception

(2) Subsection (1) does not apply to adjournments.

Assignment of duties to iustice

- **16.** The following duties shall not be assigned to a nonnon-presiding presiding justice of the peace:
  - (a) the duties described in section 15:
  - presiding at the trial of an offence that is prescribed as one to the trial of which a presiding justice of the peace may be assigned;
  - presiding at the trial of an offence under an Act of the Legislature or under a regulation or by-law made under the authority of such an Act;
  - exercising jurisdiction under section 7 (plea of guilty with representations) or 9 or 19 (default conviction) of the *Provincial Offences Act*;
  - (e) presiding at a hearing to determine whether a person should be released from or detained in custody;
  - exercising authority to issue a warrant to levy a tax, (f) toll or dues under,

R.S.C. 1985, c. P-38

R.S.O. 1980,

c. 400

(i) section 33 of the *Public Works Act* (Canada),

R.S.O. 1980, c. 229

(ii) section 66 of the Lakes and Rivers Improvement Act, or

R.S.O. 1980, c. 302

- (iii) subsection 387 (6) of the Municipal Act;
- determining whether a thing should be forfeited or held under,

R.S.C. 1985, c. M-7

(i) section 8 of the Migratory Birds Convention Act (Canada), or

537 (2) et (3) (procédures lorsque le prévenu peut être atteint d'une maladie mentale) et à l'article 543 de cette loi (renvoi lorsque l'infraction a été commise dans une autre juridiction).

(2) Le paragraphe (1) ne s'applique pas aux ajournements.

Exception

16 Les fonctions suivantes ne sont pas assignées au juge de Assignation paix non-président :

des fonctions au juge de paix nonprésident

- les fonctions décrites à l'article 15: a)
- présider le procès relatif à une infraction qui est b) prescrite comme étant une infraction dont un juge de paix-président peut être affecté à présider le procès qui y est relatif;
- c) présider le procès relatif à une infraction visée à une loi de la Législature, ou à un règlement pris en application d'une telle loi;
- d) exercer une compétence en vertu de l'article 7 de la Loi sur les infractions provinciales (plaidoyer de cul- L.R.O. 1980, pabilité et observations) ou en vertu de l'article 9 ou 19 de cette loi (reconnaissance de culpabilité en l'absence du défendeur);

chap. 400

- e) présider une audience pour décider si une personne devrait être détenue sous garde ou libérée;
- f) exercer le pouvoir de décerner des mandats afin de percevoir des impôts, des droits ou des péages en vertu des dispositions suivantes :
  - (i) l'article 33 de la Loi sur les travaux publics L.R.C. 1985, (Canada),
  - (ii) l'article 66 de la Loi sur l'aménagement des L.R.O. 1980, chap. 229 lacs et des rivières.
  - (iii) le paragraphe 387 (6) de la Loi sur les L.R.O. 1980, chap. 302 municipalités;
- décider si des choses doivent être confisquées ou g) détenues en vertu des dispositions suivantes :
  - (i) l'article 8 de la Loi sur la Convention concer- L.R.C. 1985, chap. M-7 nant les oiseaux migrateurs (Canada),

R.S.C. 1985, c. N-14

- (ii) subsection 8 (3) of the *National Parks Act* (Canada);
- R.S.O. 1980, c. 262
- (h) determining whether an order should be issued under section 10 of the *Mental Health Act* (examination by physician);
- (i) presiding at a hearing to determine a dispute under,

R.S.C. 1985, c. S-9 (i) section 205 of the Canada Shipping Act,

R.S.C. 1985,

- (ii) section 11 of the Fisheries Act (Canada),
- R.S.O. 1980, c. 257
- (iii) section 4 of the Master and Servant Act, or

R.S.O. 1980, c. 372

- (iv) section 25, 26 or 27 of the Pawnbrokers Act;
- (j) a duty that is prescribed as one that shall not be assigned to a non-presiding justice.

Jurisdiction of justices

**17.**—(1) Justices of the peace have jurisdiction throughout Ontario.

Idem

(2) Subject to sections 15 and 16, justices of the peace shall exercise the powers and perform the duties conferred or imposed on a justice of the peace by or under an Act of the Legislature or of the Parliament of Canada.

Justices to assist public

(3) Justices of the peace shall assist members of the public, at their request, in formulating informations in respect of offences.

Salary of part-time justices

**18.** The salary, if any, to which each part-time justice of the peace is entitled shall be based on the Co-ordinator's determination of the justice's workload and calculated in accordance with the regulations.

Directions

**19.**—(1) The Co-ordinator may issue directions to justices of the peace on questions of law and procedure.

Directions binding on justices (2) Justices of the peace shall follow a direction issued under subsection (1) unless it has been disapproved by a court on an appeal or a review.

- (ii) le paragraphe 8 (3) de la *Loi sur les parcs* L.R.C. 1985, nationaux (Canada);
- h) décider si une ordonnance doit être rendue en vertu de l'article 10 de la *Loi sur la santé mentale* L.R.O. 1980, (examen par un médecin);
- i) présider des audiences en vue de régler des différends en vertu des dispositions suivantes :
  - (i) l'article 205 de la *Loi sur la marine marchande* L.R.C. 1985, du Canada,
  - (ii) l'article 11 de la *Loi sur les pêcheries* L.R.C. 1985, (Canada),
  - (iii) l'article 4 de la *Loi sur le louage de services*, L.R.O. 1980, chap. 257
  - (iv) les articles 25, 26 et 27 de la *Loi sur le prêt sur* L.R.O. 1980, gage;
- j) exercer les fonctions qui ont été prescrites comme étant des fonctions qui ne sont pas assignées au juge de paix non-président.
- 17 (1) Les juges de paix ont compétence dans tout Compétence des juges de paix
- (2) Sous réserve des articles 15 et 16, les juges de paix exercent les pouvoirs et remplissent les fonctions que leur confère une loi de la Législature ou du Parlement du Canada ou qui leur sont conférées en vertu d'une telle loi.
- (3) Les juges de paix prêtent leur aide aux membres du public, lorsque ces derniers le demandent, en ce qui concerne la formulation des dénonciations.
- 18 Les traitements, le cas échéant, auxquels ont droit les juges de paix à temps partiel correspondent à l'évaluation de leurs charges de travail que fait le coordonnateur. Les traitements ments sont calculés conformément aux règlements.
- **19** (1) Le coordonnateur peut donner aux juges de paix Directives des directives portant sur des questions de droit et de procédure.
- (2) Les juges de paix suivent la directive donnée aux termes Effet sur les du paragraphe (1), à moins qu'elle n'ait été désapprouvée par le tribunal lors d'un appel ou d'une révision.

Directions to be published (3) The Co-ordinator shall cause the directions to be published in *The Ontario Gazette*.

Immunity from liability

**20.** A justice of the peace has the same immunity from liability as a judge of the Supreme Court.

Regulations

**21.**—(1) The Lieutenant Governor in Council may make regulations,

R.S.C. 1985, c. C-46

- (a) prescribing offences under Acts of Parliament other than the *Criminal Code* (Canada) in respect of which a presiding justice of the peace may be assigned to preside at a trial;
- (b) prescribing the information to be included in reports under subsection 14 (5);
- (c) prescribing the salaries of full-time justices of the peace and prescribing the manner in which the salaries of part-time justices of the peace shall be calculated, including the factors to be taken into account and the method of calculation to be used;
- (d) providing for the benefits to which full-time and part-time justices of the peace are entitled;
- (e) providing for the payment of additional compensation to full-time and part-time justices of the peace for special assignments;
- (f) prescribing duties that shall not be assigned to a non-presiding justice of the peace.

Classes

(2) A regulation made under clause (1) (c) or (d) may prescribe classes of full-time and part-time justices of the peace for the purpose of salaries and benefits.

Justices of the peace who are public servants (3) A regulation made under clause (1) (c) or (d) may provide that the duties performed, in the course of their public service employment, by justices of the peace who are also employed in the public service of Ontario shall not be considered in calculating their salary and benefits under this Act.

Contributions

(4) A regulation made under clause (1) (d) may require justices of the peace to contribute from their salaries part of the cost of a benefit and may fix the amount of the contributions.

- (3) Le coordonnateur fait publier les directives dans la Publication des directives Gazette de l'Ontario.
- 20 Le juge de paix jouit de la même immunité qu'un juge Immunité de la Cour suprême en ce qui concerne la responsabilité personnelle.
- 21 (1) Le lieutenant-gouverneur en conseil peut, par Règlements règlement:
  - prescrire des infractions visées aux lois du Parlea) ment du Canada, à l'exclusion du Code criminel L.R.C. 1985, chap. C-46 (Canada), dont un juge de paix-président peut être affecté au procès qui y est relatif;
  - b) prescrire les renseignements qui doivent figurer dans les rapports visés au paragraphe 14 (5);
  - prescrire les traitements des juges de paix à temps c) plein et prescrire les modalités selon lesquelles sont calculés les traitements des juges de paix à temps partiel, y compris les facteurs dont il est tenu compte et la méthode de calcul utilisée;
  - d) prévoir les avantages sociaux auxquels ont droit les juges de paix à temps plein et à temps partiel;
  - prévoir le versement d'une rémunération additione) nelle aux juges de paix à temps plein et à temps partiel en ce qui concerne les affectations particulières:
  - f) prescrire les fonctions qui ne sont pas assignées au juge de paix non-président.
- (2) Un règlement pris en application de l'alinéa (1) c) ou d) Catégories peut prescrire des catégories de juges de paix à temps plein et à temps partiel aux fins de leurs traitements et avantages sociaux.

(3) Un règlement pris en application de l'alinéa (1) c) ou d) Juges de paix peut prévoir qu'il n'est pas tenu compte, en ce qui concerne le fonctionnaires calcul de leurs traitements et avantages sociaux en vertu de la présente loi, des fonctions qu'accomplissent dans le cadre de leur travail au sein de la fonction publique des juges de paix qui font également partie de la fonction publique.

(4) Un règlement pris en application de l'alinéa (1) d) peut Cotisations exiger que soient prélevées sur les traitements des juges de paix des cotisations qui couvrent une partie du coût d'un

Benefits

(5) A regulation made under clause (1) (d) may provide that justices of the peace whose salaries are less than prescribed amounts are not entitled to prescribed benefits.

Territorial limitations

(6) A regulation made under clause (1) (e) may be limited territorially.

Application of certain provisions

**22.**—(1) Sections 4, 15, 16 and 18 and subsection 17 (2) do not apply in an area in Ontario until the Lieutenant Governor in Council by regulation provides that they apply in that area.

Idem

- (2) The following apply in any area in which sections 4, 15, 16 and 18 and subsection 17 (2) do not apply:
  - 1. Justices of the peace shall exercise the powers and perform the duties conferred or imposed on a justice of the peace by or under an Act of the Legislature or of the Parliament of Canada when so directed by the Co-ordinator or a judge designated by the Co-ordinator.
  - 2. Part-time justices of the peace shall be paid such fees, allowances and expenses as are prescribed under the *Administration of Justice Act*.

R.S.O. 1980, c. 6

3. Despite section 6, a part-time justice of the peace appointed before the day section 6 comes into force may exercise the powers and perform the duties of a justice of the peace after attaining the age of seventy years when assigned to do so by the Co-ordinator or a judge designated by the Co-ordinator.

Regulations

- (3) The Lieutenant Governor in Council may make regulations declaring that sections 4, 15, 16 and 18 and subsection 17 (2) apply in one or more areas of the Province.
- 23.—(1) Section 2 of the Commissioners for taking Affidavits Act, being chapter 75 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Provincial judges, justices of the peace

(1a) Every provincial judge and every justice of the peace is *ex officio* a commissioner for taking affidavits in Ontario.

avantage social. Ce règlement peut également fixer le montant des cotisations.

(5) Un règlement pris en application de l'alinéa (1) d) peut Avantages prévoir que les juges de paix dont les traitements sont inférieurs à des montants prescrits n'ont pas droit à des avantages sociaux prescrits.

(6) Un règlement pris en application de l'alinéa (1) e) peut Limitations être assujetti à des limitations territoriales.

**22** (1) Les articles 4, 15, 16 et 18 et le paragraphe 17 (2) ne s'appliquent pas dans une région de l'Ontario avant que le de certaines lieutenant-gouverneur en conseil ne prévoie, par règlement, dispositions leur application dans cette région.

Champ

(2) Les règles qui suivent s'appliquent à toute région à Idem laquelle les articles 4, 15, 16 et 18 et le paragraphe 17 (2) ne s'appliquent pas :

- 1. Lorsque le coordonnateur ou le juge qu'il désigne le leur ordonne, les juges de paix exercent les pouvoirs et remplissent les fonctions que leur confère une loi de la Législature ou du Parlement du Canada ou qui leur sont conférés en vertu d'une telle loi.
- Les juges de paix à temps partiel reçoivent les 2. honoraires, indemnités et débours qui sont prescrits en vertu de la Loi sur l'administration de la justice.

L.R.O. 1980, chap. 6

3. Malgré l'article 6, lorsque le coordonnateur ou le juge qu'il désigne lui assigne de ce faire, le juge de paix à temps partiel qui a été nommé avant le jour de l'entrée en vigueur de l'article 6 peut exercer les pouvoirs et remplir les fonctions d'un juge de paix après avoir atteint l'âge de soixante-dix ans.

(3) Le lieutenant-gouverneur en conseil peut prendre des Règlements règlements qui prévoient l'application des articles 4, 15, 16 et 18 et du paragraphe 17 (2) dans une ou plusieurs régions de la province.

- 23 (1) L'article 2 de la Loi sur les commissaires aux affidavits, qui constitue le chapitre 75 des Lois refondues de l'Ontario de 1980, est modifié par adjonction du paragraphe suivant:
- (1a) Every provincial judge and every justice of the peace is ex officio a commissioner for taking affidavits in Ontario.\*

Provincial justices of the peace

- (2) Section 13 of the said Act is amended by striking out "notary public or justice of the peace" in the third line and inserting in lieu thereof "or notary public".
- 24. Subsection 61 (3) of the Courts of Justice Act, 1984, being chapter 11, is repealed.
- 25. Paragraph 1 of subsection 5 (1) of the *Election Act*, 1984, being chapter 54, is amended by adding at the end thereof "or justices of the peace".
- 26. The Justices of the Peace Act, being chapter 227 of the Revised Statutes of Ontario, 1980, the Justices of the Peace Amendment Act, 1984, being chapter 8 and section 22 of the Equality Rights Statute Law Amendment Act, 1986, being chapter 64, are repealed.
- 27. Clause 8 (2) (c) of the Legislative Assembly Act, being chapter 235 of the Revised Statutes of Ontario, 1980, is amended by striking out "justice of the peace" in the first line.
- 28. Subsection 13 (1) of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is repealed.
- **29.**—(1) Sections 1, 2, 3 and 5 and subsection 6 (1) of the *Public Authorities Protection Act*, being chapter 406 of the Revised Statutes of Ontario, 1980, are repealed.
- (2) Subsection 7 (1) of the said Act is amended by striking out "against the justice of the peace who made the conviction or" in the second and third lines.

Commencement **30.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**31.** The short title of this Act is the *Justices of the Peace Act*, 1989.

- (2) L'article 13 de cette loi est modifié par substitution, à «notary public or justice of the peace» à la troisième ligne, de «or notary public».
- **24** Le paragraphe 61 (3) de la *Loi de 1984 sur les tribunaux judiciaires*, qui constitue le chapitre 11, est abrogé.
- 25 La disposition 1 du paragraphe 5 (1) de la *Loi électorale* de 1984, qui constitue le chapitre 54, est modifiée par adjonction de «or justices of the peace».
- 26 La Loi sur les juges de paix, qui constitue le chapitre 227 des Lois refondues de l'Ontario de 1980, la Loi de 1984 modifiant la Loi sur les juges de paix, qui constitue le chapitre 8 et l'article 22 de la Loi de 1986 modifiant des lois concernant les droits à l'égalité, qui constitue le chapitre 64, sont abrogés.
- 27 L'alinéa 8 (2) c) de la Loi sur l'Assemblée législative, qui constitue le chapitre 235 des Lois refondues de l'Ontario de 1980, est modifié par suppression des mots «justice of the peace» à la première ligne.
- 28 Le paragraphe 13 (1) de la *Loi sur les mines*, qui constitue le chapitre 268 des Lois refondues de l'Ontario de 1980, est abrogé.
- 29 (1) Les articles 1, 2, 3 et 5 et le paragraphe 6 (1) de la Loi sur l'immunité des personnes publiques, qui constitue le chapitre 406 des Lois refondues de l'Ontario de 1980, sont abrogés.
- (2) Le paragraphe 7 (1) de cette loi est modifié par suppression des mots «against the justice of the peace who made the conviction or» aux deuxième et troisième lignes.
- **30** La présente loi entre en vigueur le jour que le lieute- Entrée en nant-gouverneur fixe par proclamation.
- **31** Le titre abrégé de la présente loi est *Loi de 1989 sur les* Titre abrégé juges de paix.
- \*Les lois modifiées n'ayant été promulguées qu'en anglais, il n'existe pas de texte français exigeant une modification législative.

Because the amended statutes were enacted only in English, there is no French text to amend.







2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## **Bill 94**

### An Act to amend the Executive Council Act

The Hon. C. Ward

Government House Leader and Minister of Government Services



1st Reading

December 7th, 1989

2nd Reading

3rd Reading

Royal Assent

#### EXPLANATORY NOTE

The purpose of the Bill is to increase salaries by 5.5 per cent.

Bill 94 1989

#### An Act to amend the Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 3 (1), (2), (3) and (4) of the Executive Council Act, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1989, chapter 20, section 1, are repealed and the following substituted therefor:
- (1) The annual salary of every minister with portfolio is Salaries \$31,749.
- (2) The Premier and President of the Council shall receive, Additional salary for Premier and President of the Council shall receive, Additional salary for Premier
- (3) The annual salary of every minister without portfolio is Salary of minister without portfolio sylvatory.
- (4) The annual salary of every Parliamentary Assistant is Salary of Parliamentary Assistant is Salary of Parliamentary Assistant
- 2. This Act shall be deemed to have come into force on the Commencement 1st day of April, 1989.
- 3. The short title of this Act is the Executive Council Short title Amendment Act, 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill94

(Chapter 86 Statutes of Ontario, 1989)

## An Act to amend the Executive Council Act

The Hon. C. Ward

Government House Leader and Minister of Government Service,



1st Reading December 7th, 1989

2nd Reading December 18th, 1989

3rd Reading December 19th, 1989

Royal Assent December 19th, 1989



Bill 94 1989

#### An Act to amend the Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 3 (1), (2), (3) and (4) of the *Executive Council Act*, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1989, chapter 20, section 1, are repealed and the following substituted therefor:
- (1) The annual salary of every minister with portfolio is Salaries \$31,749.
- (2) The Premier and President of the Council shall receive, Additional salary for Premier and President of the Council shall receive, Additional salary for Premier
- (3) The annual salary of every minister without portfolio is Salary of minister without portfolio portfolio
- (4) The annual salary of every Parliamentary Assistant is \$\mathbb{Salary}\$ of Parliamentary Assistant is \$\mathbb{Salary}\$ of
- 2. This Act shall be deemed to have come into force on the Commence-1st day of April, 1989.
- 3. The short title of this Act is the Executive Council Short title Amendment Act, 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill95

## An Act to amend the Highway Traffic Act

The Hon. W. Wyre *Minister of Transportation* 



1st Reading

December 7th, 1989

2nd Reading

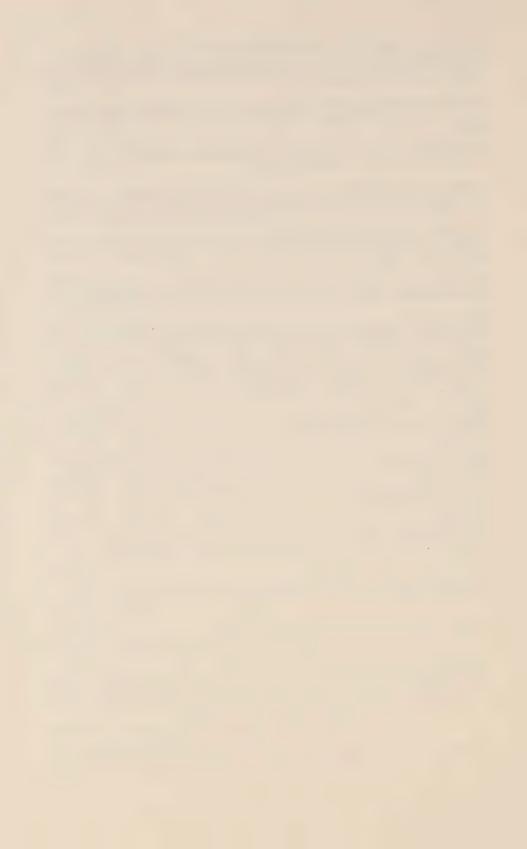
3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

- **SECTION 1.—Subsection 1.** Subsection 1 (1) of the *Highway Traffic Act* is amended by adding two definitions.
- **Subsection 2.** New subsection 1 (5) of the Act contains a reference to offences under the *National Defence Act* (Canada).
- **SECTION 2.—Subsection 1.** Subsection 7 (11) of the Act provides for the payment of fees to agents issuing permits. The amendment expands the services for which payment can be contracted.
- **Subsection 2.** Subsection 7 (14) of the Act authorizes the making of regulations respecting permits. The amendment authorizes the making of regulations to prescribe conditions for the issuing or validating of permits and related documents.
- SECTION 3. Subsection 15a (1) of the Act is amended to provide that the definitions set out in the subsection apply to sections 15b to 15h as well as to section 15a.
- **SECTION 4.** New section 15h of the Act requires commercial motor vehicles to be covered by liability insurance in an amount prescribed by the regulations. For the purposes of section 15h, "commercial motor vehicle" and "operator" have the same meaning as in section 15a of the Act.
- **SECTION 5.—Subsection 1.** New subsection 18 (4a) of the Act requires that the owner of a motor vehicle equipped with air brakes ensure that any driver of the vehicle has a licence that is endorsed to permit the driving of such a vehicle.
- **Subsection 2.** Subsection 18 (10) of the Act specifies the penalty for contravention of certain subsections of section 18. The amendment adds references to several other subsections of section 18.
- **SECTION 6.** New section 25a of the Act authorizes the Minister to enter into agreements with U.S. states providing for the reciprocal sanctioning of drivers and the exchange of driver's licences on changes of residence.
- SECTIONS 7 to 11 and SECTIONS 19 and 21. References in the Act to provisions of the *Criminal Code* (Canada) are updated.
- **SECTION 7.** Clauses 26 (1) (b) and (c) of the Act are amended to add references to street cars.
- New clause 26 (1) (ca) of the Act contains a reference to designated American statutory provisions.
- Subsection 26 (4) of the Act is re-enacted to add a reference to designated American statutory provisions and to add a reference to dispositions made under the *Young Offenders Act* (Canada).
- **SECTION 8.—Subsection 1.** Subsection 27 (1) of the Act is re-enacted to add a reference to designated American statutory provisions.
- Subsection 2. Subsection 27 (2) of the Act is re-enacted to add a reference to designated American statutory provisions and to add a reference to dispositions made under the *Young Offenders Act* (Canada). New subsection 27 (3) authorizes the making of regulations to designate American statutory provisions for purposes of sections 26 and 27.
- **SECTION 9.** Subsection 27a (1) is amended to add a reference to street cars.
- SECTION 11. References in subsections 30a (2), (8) and (9) of the Act to a "roadside screening device" are changed to an "approved screening device".

- **SECTION 12.** Subsections 42 (4) and (5) of the Act are re-enacted. A report made under subsection 42 (4) will now be made to the nearest police officer, instead of to the Ministry. The information to be provided in a report made under subsection 42 (4) or (5) is now set out in new subsection 42 (5a).
- **SECTION 13.** Subsection 109 (13) of the Act is amended to provide for higher fines for speeding offences and to change the range of speeds at which different fine levels are assessed.
- **SECTION 14.** Subsection 120 (6) of the Act is re-enacted to change a reference to a "pedestrian crosswalk" to a "pedestrian crossover".
- **SECTION 15.—Subsection 1.** Subsection 137 (1) of the Act is amended so that it will now apply whenever a flashing red light is operating on an emergency vehicle. The provision currently applies only where the light is located on the roof of the vehicle.
- **Subsection 2.** Subsection 137 (2) of the Act is re-enacted to clarify that the restriction on following fire department vehicles applies to all lanes in the direction the fire department vehicle is travelling.
- **SECTION 16.** New section 146a of the Act authorizes the use of alternating highbeam lights on emergency vehicles and prohibits the use of such lights on other vehicles.
- **SECTION 17.** The amendments to section 165a of the Act are consequential to the addition of new section 165b to the Act by section 18 of the Bill.
- **SECTION 18.** New section 165b of the Act authorizes the Registrar to issue certificates exempting operators and drivers of commercial motor vehicles from the hours of work requirements prescribed under clause 165a (7) (c) of the Act.
- **SECTION 19.—Subsection 1.** Subsection 184 (1) of the Act is amended to provide that the reference to a "motorized snow vehicle" means a motorized snow vehicle within the meaning of the *Motorized Snow Vehicles Act*.
- **Subsection 2.** Subsection 184 (2) of the Act is re-enacted and divided into two subsections for greater clarity. References to the *Young Offenders Act* (Canada) are added.
- **SECTION 20.** Subsection 190a (1) of the Act is re-enacted to add a reference to municipal by-laws regulating traffic.
- **SECTION 22.** New section 194c of the Act authorizes the making of regulations to exempt certain types of off-road vehicles from certain requirements under the Act.



Bill 95 1989

### An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 (1) of the Highway Traffic Act, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, 1983, chapter 63, section 1 and 1989, chapter 54, section 1, is further amended by adding thereto the following paragraphs:
  - 6a. "conviction" includes a disposition made under the Young Offenders Act (Canada);

R.S.C. 1985, c Y-1

- 35a. "state of the United States of America" includes the District of Columbia.
- (2) Section 1 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, 1983, chapter 63, section 1 and 1989, chapter 54, section 1, is further amended by adding thereto the following subsection:
- (5) Any reference in this Act or the regulations to a convic- Idem tion or discharge for an offence under the Criminal Code R.S.C. 1985, (Canada) includes a conviction or discharge for the corre- N-5 sponding offence under the National Defence Act (Canada).

- 2.—(1) Subsection 7 (11) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 1, is amended by inserting after "permits" in the second line "or provides any other service in relation to permits".
- (2) Subsection 7 (14) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 2 and 1983, chapter 63, section 2, is further amended by adding thereto the following clause:

- (k) prescribing conditions precedent or subsequent for the issuing or validating of any class of permit or number plate or the issuing of any evidence of validation.
- **3.** Subsection 15a (1) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 2, is amended by striking out "sections 15d and 15e" in the first line and inserting in lieu thereof "sections 15b to 15h".
- 4. The said Act is amended by adding thereto the following section:

Liability insurance for commercial motor vehicles R.S.O. 1980, cc. 83, 218 **15h.**—(1) No operator or owner of a commercial motor vehicle shall operate the vehicle or cause or permit the vehicle to be operated on a highway unless, in addition to the minimum liability insurance required under the *Compulsory Automobile Insurance Act*, motor vehicle liability insurance in the amount prescribed by the regulations is carried for the vehicle with an insurer licensed under the *Insurance Act*.

Non-residents

(2) If an operator or owner of a commercial motor vehicle is not a resident of Ontario, the insurance required by subsection (1) may be carried with an insurer who is authorized to transact the insurance in the state or province in which the owner or operator resides.

Driver to carry evidence of insurance (3) Every driver of a commercial motor vehicle shall carry evidence of a type prescribed by the regulations that the vehicle is insured as required by this section and shall surrender the evidence for reasonable inspection upon the demand of a police officer.

Offence

(4) An operator or owner who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,500.

Idem

(5) A driver who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Regulations

- (6) The Lieutenant Governor in Council may make regulations.
  - (a) prescribing the amount of motor vehicle liability insurance to be carried for a commercial motor vehicle;

(b) prescribing documents that may be accepted as evidence that a commercial motor vehicle is insured as required by this section.

HIGHWAY TRAFFIC

- 5.—(1) Section 18 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 7, 1984, chapter 21, section 3, 1985, chapter 13, section 2 and 1989, chapter 54, sections 4 and 5, are further amended by adding thereto the following subsection:
- (4a) No person who is the owner or is in possession or con-Idem trol of a motor vehicle equipped with air brakes shall permit any person to drive the vehicle on a highway unless the licence of that person is endorsed to permit the driving of a vehicle equipped with air brakes.
- (2) Subsection 18 (10) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 63, section 7, is amended by striking out "subsection (1) or (1a)" in the first line and inserting in lieu thereof "subsection (1), (1a), (1b), (4) or (4a)".
- 6. The said Act is further amended by adding thereto the following section:
- **25a.**—(1) The Minister, with the approval of the Lieuten-Agreements ant Governor in Council, may enter into a reciprocal agreement with the government of any state of the United States of America providing for,

- (a) the sanctioning by the licensing jurisdiction of drivers from that jurisdiction who commit offences in the other jurisdiction; and
- (b) on a driver's change of residence, the issuance of a driver's licence by one jurisdiction in exchange for a driver's licence issued by the other jurisdiction.
- (2) The provisions of this Act and the regulations with Effect of respect to the licensing of drivers are subject to any agreement made under this section.

- 7.—(1) Clause 26 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "203, 204 or 219" in the first line and inserting in lieu thereof "220, 221 or 236".
- (2) Clause 26 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "233, 236, 237 or 239" in the first line and insert-

ing in lieu thereof "249, 252, 253 or 255" and by inserting after "vehicle" in the third line "or street car".

- (3) Clause 26 (1)(c) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "238 (5)" in the first line and inserting in lieu thereof "254 (5)" and by inserting after "vehicle" in the fourth line "or street car".
- (4) Subsection 26 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "or" at the end of clause (c) and by adding thereto the following clause:
  - (ca) under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or
- (5) Subsection 26 (4) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 3, is repealed and the following substituted therefor:

Order for discharge

(4) This section applies in the same manner as if a person were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

R.S.C. 1985, c. C-46 (a) an order directing that the accused be discharged is made under section 736 of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or

R.S.C. 1985, c. Y-1

- (b) a disposition is made under section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada), including a confirmation or variation of the disposition.
- 8.—(1) Subsection 27 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 4, is repealed and the following substituted therefor:

Suspension for driving while disqualified

- (1) The driver's licence of a person who is convicted of an offence under subsection 259 (4) of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations is thereupon suspended for a period of,
  - (a) upon the first conviction, one year; and

(b) upon a subsequent conviction, two years,

in addition to any other period for which the licence is suspended and consecutively thereto.

- (2) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:
- (2) This section applies in the same manner as if a person Order for were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

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(a) an order directing that the accused be discharged is made under section 736 of the Criminal Code (Canada) or under a provision R.S.C. 1985, that is enacted by a state of the United States of America and that is designated by the regulations: or

(b) a disposition is made under section 20 or sections 28 to 32 of the Young Offenders Act R.S.C. 1985. (Canada), including a confirmation or variation of the disposition.

(3) The Lieutenant Governor in Council may make regu- Regulations lations designating provisions enacted by a state of the United States of America for purposes of this section and section 26.

- 9.—(1) Subsection 27a (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 5, is amended by striking out "242" in the second line and inserting in lieu thereof "259" and by inserting after "vehicle" in the fourth line "or street car".
- (2) Subsection 27a (2) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 5, is amended by striking out "242" in the second line and inserting in lieu thereof "259".
- 10. Subsection 27b (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 6, is amended by striking out "242" in the first line and inserting in lieu thereof "259".
- 11.—(1) Subsection 30a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254".

- (2) Subsection 30a (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254" and by striking out "roadside" in the third line.
- (3) Subsection 30a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendments of 1985 and inserting in lieu thereof in each instance "254".
- (4) Subsection 30a (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254".
- (5) Subsection 30a (8) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is repealed and the following substituted therefor:

Calibration of screening device

- (8) For the purposes of subsection (2), the approved screening device shall not be calibrated to register "Warn" if the proportion of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.
- (6) Subsection 30a (9) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is repealed and the following substituted therefor:

Idem

- (9) It shall be presumed, in the absence of proof to the contrary, that any approved screening device used for the purposes of subsection (2) has been calibrated as required under subsection (8).
- **12.** Subsections 42 (4) and (5) of the said Act are repealed and the following substituted therefor:

Report as to cars stored or parked

(4) If a motor vehicle is placed in the possession of a person who repairs, buys, sells, wrecks or stores motor vehicles or operates a garage business, parking station, parking lot or used car lot and the vehicle remains in the person's possession for more than two weeks without good reason, the person shall forthwith, upon the expiration of the two-week period, make a report to the nearest police officer in accordance with subsection (5a).

(5) If a motor vehicle that shows evidence of having been Report as to involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used cars car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith make a report to the nearest police officer in accordance with subsection (5a).

(5a) A person making a report under subsection (4) or (5) Information shall give a description of the vehicle and, if known, the reported vehicle identification number, the permit number, and the name and address of the owner or operator.

- **13.**—(1) Clause 109 (13) (a) of the said Act is amended by striking out "\$1.25" in the second line and inserting in lieu thereof "\$3.00".
- (2) Clause 109 (13) (b) of the said Act is amended by striking out "40" in the first line and inserting in lieu thereof "35" and by striking out "\$1.75" in the third line and inserting in lieu thereof "\$4.50".
- (3) Clause 109 (13) (c) of the said Act is amended by striking out "40" in the first line and inserting in lieu thereof "35", by striking out "60" in the first line and inserting in lieu thereof "50" and by striking out "\$2.50" in the third line and inserting in lieu thereof "\$7.00".
- (4) Clause 109 (13) (d) of the said Act is amended by striking out "60" in the first line and inserting in lieu thereof "50" and by striking out "\$3.25" in the second line and inserting in lieu thereof "\$9.75".
- 14. Subsection 120 (6) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 54, section 18, is repealed and the following substituted therefor:
- (6) No person shall ride a bicycle across a roadway within a Riding in pedestrian crossover.

pedestrian

- **15.**—(1) Subsection 137 (1) of the said Act is amended by striking out "located on the roof of the vehicle" in the fourth line.
- (2) Subsection 137 (2) of the said Act is repealed and the following substituted therefor:
- (2) No driver of a vehicle shall follow in any lane of a road- Following way at a distance of less than 150 metres a fire department department vehicle responding to an alarm.

### **16.** The said Act is further amended by adding thereto the following section:

Alternating highbeams on emergency vehicles **146a.**—(1) Notwithstanding section 146, highbeam headlamps that produce alternating flashes of white light may be used by a public utility emergency vehicle while responding to an emergency and by an emergency vehicle as defined in clause 124 (1) (b).

Alternating highbeams on other vehicles prohibited

- (2) No person shall use highbeam headlamps that produce alternating flashes of white light on any vehicle other than a vehicle referred to in subsection (1).
- 17.—(1) Subsection 165a (1) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 9, is amended by inserting after "section" in the first line "and in section 165b".
- (2) Clause 165a (7) (e) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 9, is amended by inserting after "section" in the second line "and section 165b".
- 18. The said Act is further amended by adding thereto the following section:

Exemption certificate

**165b.**—(1) An operator may apply in writing to the Registrar for a certificate exempting the operator and any driver employed by or contracted to the operator from any requirement prescribed by the regulations made under clause 165a (7) (c) regarding hours of work.

Issuance

(2) On an application under subsection (1), the Registrar may issue the certificate applied for if the Registrar is satisfied that the operator applying for the certificate has a genuine need for it and the issuance of the certificate is unlikely to jeopardize the safety or health of any person.

Conditions

(3) A certificate issued under this section may contain any conditions that the Registrar considers appropriate and a certificate is subject to the conditions set out therein.

Effect of certificate

(4) Subject to subsection (5), a certificate issued under this section exempts the operator to whom it is issued and any driver employed by or contracted to that operator from those requirements prescribed by the regulations made under clause 165a (7) (c) that are set out in the certificate.

Where certificate does not apply

(5) A certificate issued under this section does not apply to exempt,

- (a) an operator who is in contravention of any condition set out in the certificate;
- (b) a driver who is in contravention of any condition set out in the certificate or who is in contravention of subsection (7): or
- (c) an operator for whom a driver referred to in clause (b) is working.
- (6) A certificate is valid during the period set out therein, Duration which period shall not exceed twelve months.
- (7) A driver claiming an exemption under a certificate issued under this section shall carry the certificate or a true for inspection copy thereof and produce the certificate or copy for inspection upon the demand of a police officer or an officer appointed for the purpose of carrying out the provisions of this Act.

- 19.—(1) Subsection 184 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 61, section 7, is amended by striking out "a motor vehicle, motorized snow vehicle or street car" in the fifth and sixth lines and inserting in lieu thereof "a motor vehicle or street car within the meaning of this Act or a motorized snow vehicle within the meaning of the Motorized Snow Vehicles Act".
- (2) Subsection 184 (2) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 14, is repealed and the following substituted therefor:
- (2) Where a person pleads guilty to or is found guilty of an Order for offence under the Criminal Code (Canada) or the Young discharge Offenders Act (Canada) referred to in subsection (1) and an R.S.C. 1985. order directing that the person be discharged is made under cc. C-46, section 736 of the Criminal Code (Canada) or section 20 or sections 28 to 32 of the Young Offenders Act (Canada), the judge, provincial judge or justice of the peace who makes the order or the clerk of the court in which the order is made shall forthwith certify the order to the Registrar.

(2a) An order certified under subsection (2) shall set out Idem the name, address and description of the person discharged by the order, the number of the person's driver's licence, the number of the permit of the motor vehicle or the registration number of the motorized snow vehicle with which the offence was committed, the time the offence was committed and the provision of the Criminal Code (Canada) or the Young Offenders Act (Canada) contravened.

**20.** Subsection 190a (1) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 54, section 41, is repealed and the following substituted therefor:

Cyclist to identify self

- (1) A police officer who finds any person contravening any provision under this Act or any municipal by-law regulating traffic while in charge of a bicycle may require that person to stop and to provide identification of himself or herself.
- **21.**—(1) Subsection 192 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 16, is amended by striking out "237, 238 or 239" in the second line and inserting in lieu thereof "253, 254 or 255" and by striking out "236" in the fourth line and inserting in lieu thereof "252".
- (2) Subsection 192 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 16, is amended by striking out "236" in the second line and in the fourth line and inserting in lieu thereof in each instance "252".
- **22.** The said Act is further amended by adding thereto the following section:

Regulations respecting off-road vehicles **194c.**—(1) The Lieutenant Governor in Council may make regulations classifying off-road vehicles and drivers thereof and exempting any class of off-road vehicle or class of driver thereof from any requirement in Parts II, III and V of this Act or any regulation made thereunder and prescribing conditions for any such exemption.

Idem 1983, c. 53 (2) In this section, "off-road vehicle" means an off-road vehicle within the meaning of the *Off-Road Vehicles Act*, 1983.

Commencement **23.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. The short title of this Act is the Highway Traffic Amendment Act, 1989.





38 ELIZABETH II, 1989

### Bill95

(Chapter 87 Statutes of Ontario, 1989)

### An Act to amend the Highway Traffic Act

The Hon. W. Wrye Minister of Transportation

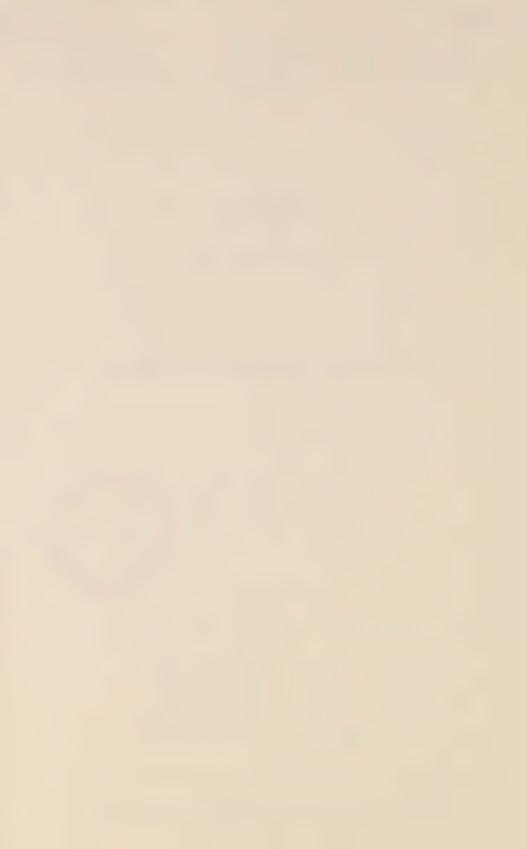


1st Reading December 7th, 1989

2nd Reading December 13th, 1989

3rd Reading December 19th, 1989

Royal Assent December 19th, 1989



**Bill 95** 1989

#### An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 (1) of the Highway Traffic Act, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, 1983, chapter 63, section 1 and 1989, chapter 54, section 1, is further amended by adding thereto the following paragraphs:
  - "conviction" includes a disposition made under the Young Offenders Act (Canada);

R.S.C. 1985. c. Y-1

- 35a. "state of the United States of America" includes the District of Columbia.
- (2) Section 1 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, 1983, chapter 63, section 1 and 1989, chapter 54, section 1, is further amended by adding thereto the following subsection:
- (5) Any reference in this Act or the regulations to a convic- Idem tion or discharge for an offence under the Criminal Code R.S.C. 1985. (Canada) includes a conviction or discharge for the corre- N-5 sponding offence under the *National Defence Act* (Canada).

- 2.—(1) Subsection 7 (11) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 1, is amended by inserting after "permits" in the second line "or provides any other service in relation to permits".
- (2) Subsection 7 (14) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 2 and 1983, chapter 63, section 2, is further amended by adding thereto the following clause:

- (k) prescribing conditions precedent or subsequent for the issuing or validating of any class of permit or number plate or the issuing of any evidence of validation.
- 3. Subsection 15a (1) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 2, is amended by striking out "sections 15d and 15e" in the first line and inserting in lieu thereof "sections 15b to 15h".
- 4. The said Act is amended by adding thereto the following section:

Liability insurance for commercial motor vehicles R.S.O. 1980, cc. 83, 218

**15h.**—(1) No operator or owner of a commercial motor vehicle shall operate the vehicle or cause or permit the vehicle to be operated on a highway unless, in addition to the minimum liability insurance required under the *Compulsory Automobile Insurance Act*, motor vehicle liability insurance in the amount prescribed by the regulations is carried for the vehicle with an insurer licensed under the *Insurance Act*.

Non-residents

(2) If an operator or owner of a commercial motor vehicle is not a resident of Ontario, the insurance required by subsection (1) may be carried with an insurer who is authorized to transact the insurance in the state or province in which the owner or operator resides.

Driver to carry evidence of insurance (3) Every driver of a commercial motor vehicle shall carry evidence of a type prescribed by the regulations that the vehicle is insured as required by this section and shall surrender the evidence for reasonable inspection upon the demand of a police officer.

Offence

(4) An operator or owner who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,500.

Idem

(5) A driver who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Regulations

- (6) The Lieutenant Governor in Council may make regulations,
  - (a) prescribing the amount of motor vehicle liability insurance to be carried for a commercial motor vehicle;

- (b) prescribing documents that may be accepted as evidence that a commercial motor vehicle is insured as required by this section.
- 5.—(1) Section 18 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 7, 1984, chapter 21, section 3, 1985, chapter 13, section 2 and 1989, chapter 54, sections 4 and 5, are further amended by adding thereto the following subsection:
- (4a) No person who is the owner or is in possession or control of a motor vehicle equipped with air brakes shall permit any person to drive the vehicle on a highway unless the licence of that person is endorsed to permit the driving of a vehicle equipped with air brakes.
- (2) Subsection 18 (10) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 63, section 7, is amended by striking out "subsection (1) or (1a)" in the first line and inserting in lieu thereof "subsection (1), (1a), (1b), (4) or (4a)".
- 6. The said Act is further amended by adding thereto the following section:
- **25a.**—(1) The Minister, with the approval of the Lieuten-Agreements with U.S. ant Governor in Council, may enter into a reciprocal agreement with the government of any state of the United States of America providing for,

- (a) the sanctioning by the licensing jurisdiction of drivers from that jurisdiction who commit offences in the other jurisdiction; and
- (b) on a driver's change of residence, the issuance of a driver's licence by one jurisdiction in exchange for a driver's licence issued by the other jurisdiction.
- (2) The provisions of this Act and the regulations with Effect of respect to the licensing of drivers are subject to any agreement made under this section.

agreement

- 7.—(1) Clause 26 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "203, 204 or 219" in the first line and inserting in lieu thereof "220, 221 or 236".
- (2) Clause 26 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "233, 236, 237 or 239" in the first line and insert-

ing in lieu thereof "249, 252, 253 or 255" and by inserting after "vehicle" in the third line "or street car".

- (3) Clause 26 (1)(c) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "238 (5)" in the first line and inserting in lieu thereof "254 (5)" and by inserting after "vehicle" in the fourth line "or street car".
- (4) Subsection 26 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out "or" at the end of clause (c) and by adding thereto the following clause:
  - (ca) under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or
- (5) Subsection 26 (4) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 3, is repealed and the following substituted therefor:

Order for discharge

(4) This section applies in the same manner as if a person were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

R.S.C. 1985, c. C-46 (a) an order directing that the accused be discharged is made under section 736 of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or

R.S.C. 1985, c. Y-1

- (b) a disposition is made under section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada), including a confirmation or variation of the disposition.
- 8.—(1) Subsection 27 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 4, is repealed and the following substituted therefor:

Suspension for driving while disqualified

- (1) The driver's licence of a person who is convicted of an offence under subsection 259 (4) of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations is thereupon suspended for a period of,
  - (a) upon the first conviction, one year; and

(b) upon a subsequent conviction, two years,

in addition to any other period for which the licence is suspended and consecutively thereto.

- (2) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:
- (2) This section applies in the same manner as if a person Order for were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

discharge

5

(a) an order directing that the accused be discharged is made under section 736 of the Criminal Code (Canada) or under a provision R.S.C. 1985, that is enacted by a state of the United States of America and that is designated by the regulations: or

- (b) a disposition is made under section 20 or sections 28 to 32 of the Young Offenders Act R.S.C. 1985. (Canada), including a confirmation or variation of the disposition.
- (3) The Lieutenant Governor in Council may make regu- Regulations lations designating provisions enacted by a state of the United States of America for purposes of this section and section 26.

- 9.—(1) Subsection 27a (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 5, is amended by striking out "242" in the second line and inserting in lieu thereof "259" and by inserting after "vehicle" in the fourth line "or street car".
- (2) Subsection 27a (2) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 5, is amended by striking out "242" in the second line and inserting in lieu thereof "259".
- 10. Subsection 27b (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 6, is amended by striking out "242" in the first line and inserting in lieu thereof "259".
- 11.—(1) Subsection 30a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254".

- (2) Subsection 30a (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254" and by striking out "roadside" in the third line.
- (3) Subsection 30a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendments of 1985 and inserting in lieu thereof in each instance "254".
- (4) Subsection 30a (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254".
- (5) Subsection 30a (8) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is repealed and the following substituted therefor:

Calibration of screening device

- (8) For the purposes of subsection (2), the approved screening device shall not be calibrated to register "Warn" if the proportion of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.
- (6) Subsection 30a (9) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is repealed and the following substituted therefor:

Idem

- (9) It shall be presumed, in the absence of proof to the contrary, that any approved screening device used for the purposes of subsection (2) has been calibrated as required under subsection (8).
- **12.** Subsections 42 (4) and (5) of the said Act are repealed and the following substituted therefor:

Report as to cars stored or parked

(4) If a motor vehicle is placed in the possession of a person who repairs, buys, sells, wrecks or stores motor vehicles or operates a garage business, parking station, parking lot or used car lot and the vehicle remains in the person's possession for more than two weeks without good reason, the person shall forthwith, upon the expiration of the two-week period, make a report to the nearest police officer in accordance with subsection (5a).

(5) If a motor vehicle that shows evidence of having been Report as to involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used cars car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith make a report to the nearest police officer in accordance with subsection (5a).

(5a) A person making a report under subsection (4) or (5) Information to be shall give a description of the vehicle and, if known, the reported vehicle identification number, the permit number, and the name and address of the owner or operator.

- 13.—(1) Clause 109 (13) (a) of the said Act is amended by striking out "\$1.25" in the second line and inserting in lieu thereof "\$3.00".
- (2) Clause 109 (13) (b) of the said Act is amended by striking out "40" in the first line and inserting in lieu thereof "35" and by striking out "\$1.75" in the third line and inserting in lieu thereof "\$4.50".
- (3) Clause 109 (13) (c) of the said Act is amended by striking out "40" in the first line and inserting in lieu thereof "35", by striking out "60" in the first line and inserting in lieu thereof "50" and by striking out "\$2.50" in the third line and inserting in lieu thereof "\$7.00".
- (4) Clause 109 (13) (d) of the said Act is amended by striking out "60" in the first line and inserting in lieu thereof "50" and by striking out "\$3.25" in the second line and inserting in lieu thereof "\$9.75".
- 14. Subsection 120 (6) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 54, section 18, is repealed and the following substituted therefor:
- (6) No person shall ride a bicycle across a roadway within a Riding in pedestrian crossover.

pedestrian crossover prohibited

- 15.—(1) Subsection 137 (1) of the said Act is amended by striking out "located on the roof of the vehicle" in the fourth line.
- (2) Subsection 137 (2) of the said Act is repealed and the following substituted therefor:
- (2) No driver of a vehicle shall follow in any lane of a road-Following way at a distance of less than 150 metres a fire department vehicle responding to an alarm.

department

**16.** The said Act is further amended by adding thereto the following section:

Alternating highbeams on emergency vehicles **146a.**—(1) Notwithstanding section 146, highbeam headlamps that produce alternating flashes of white light may be used by a public utility emergency vehicle while responding to an emergency and by an emergency vehicle as defined in clause 124 (1) (b).

Alternating highbeams on other vehicles prohibited

- (2) No person shall use highbeam headlamps that produce alternating flashes of white light on any vehicle other than a vehicle referred to in subsection (1).
- 17.—(1) Subsection 165a (1) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 9, is amended by inserting after "section" in the first line "and in section 165b".
- (2) Clause 165a (7) (e) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 9, is amended by inserting after "section" in the second line "and section 165b".
- 18. The said Act is further amended by adding thereto the following section:

Exemption certificate

**165b.**—(1) An operator may apply in writing to the Registrar for a certificate exempting the operator and any driver employed by or contracted to the operator from any requirement prescribed by the regulations made under clause 165a (7) (c) regarding hours of work.

Issuance

(2) On an application under subsection (1), the Registrar may issue the certificate applied for if the Registrar is satisfied that the operator applying for the certificate has a genuine need for it and the issuance of the certificate is unlikely to jeopardize the safety or health of any person.

Conditions

(3) A certificate issued under this section may contain any conditions that the Registrar considers appropriate and a certificate is subject to the conditions set out therein.

Effect of certificate

(4) Subject to subsection (5), a certificate issued under this section exempts the operator to whom it is issued and any driver employed by or contracted to that operator from those requirements prescribed by the regulations made under clause 165a (7) (c) that are set out in the certificate.

Where certificate does not apply

(5) A certificate issued under this section does not apply to exempt,

- (a) an operator who is in contravention of any condition set out in the certificate:
- (b) a driver who is in contravention of any condition set out in the certificate or who is in contravention of subsection (7); or
- (c) an operator for whom a driver referred to in clause (b) is working.
- (6) A certificate is valid during the period set out therein, Duration which period shall not exceed twelve months.
- (7) A driver claiming an exemption under a certificate Certificate to issued under this section shall carry the certificate or a true be produced for inspection copy thereof and produce the certificate or copy for inspection upon the demand of a police officer or an officer appointed for the purpose of carrying out the provisions of this Act.

- 19.—(1) Subsection 184 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 61, section 7, is amended by striking out "a motor vehicle, motorized snow vehicle or street car" in the fifth and sixth lines and inserting in lieu thereof "a motor vehicle or street car within the meaning of this Act or a motorized snow vehicle within the meaning of the Motorized Snow Vehicles Act".
- (2) Subsection 184 (2) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 14, is repealed and the following substituted therefor:
- (2) Where a person pleads guilty to or is found guilty of an Order for offence under the Criminal Code (Canada) or the Young discharge Offenders Act (Canada) referred to in subsection (1) and an R.S.C. 1985, order directing that the person be discharged is made under cc. C-46, section 736 of the Criminal Code (Canada) or section 20 or sections 28 to 32 of the Young Offenders Act (Canada), the judge, provincial judge or justice of the peace who makes the order or the clerk of the court in which the order is made shall forthwith certify the order to the Registrar.

(2a) An order certified under subsection (2) shall set out Idem the name, address and description of the person discharged by the order, the number of the person's driver's licence, the number of the permit of the motor vehicle or the registration number of the motorized snow vehicle with which the offence was committed, the time the offence was committed and the provision of the Criminal Code (Canada) or the Young Offenders Act (Canada) contravened.

**20.** Subsection 190a (1) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 54, section 41, is repealed and the following substituted therefor:

Cyclist to identify self

- (1) A police officer who finds any person contravening any provision under this Act or any municipal by-law regulating traffic while in charge of a bicycle may require that person to stop and to provide identification of himself or herself.
- 21.—(1) Subsection 192 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 16, is amended by striking out "237, 238 or 239" in the second line and inserting in lieu thereof "253, 254 or 255" and by striking out "236" in the fourth line and inserting in lieu thereof "252".
- (2) Subsection 192 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 16, is amended by striking out "236" in the second line and in the fourth line and inserting in lieu thereof in each instance "252".
- **22.** The said Act is further amended by adding thereto the following section:

Regulations respecting off-road vehicles **194c.**—(1) The Lieutenant Governor in Council may make regulations classifying off-road vehicles and drivers thereof and exempting any class of off-road vehicle or class of driver thereof from any requirement in Parts II, III and V of this Act or any regulation made thereunder and prescribing conditions for any such exemption.

Idem 1983, c. 53 (2) In this section, "off-road vehicle" means an off-road vehicle within the meaning of the *Off-Road Vehicles Act*, 1983.

Commencement 23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. The short title of this Act is the Highway Traffic Amendment Act, 1989.

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill96

### An Act to amend the Highway Traffic Act

The Hon. W. Wyre *Minister of Transportation* 



1st Reading

December 13th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The Bill amends certain provisions of the *Highway Traffic Act* regarding maximum allowable dimensions and weights for vehicles and combinations of vehicles.

**SECTION 1.** The definition of "trailer converter dolly" set out in paragraph 38a of subsection 1 (1) of the Act is amended.

SECTION 2. Section 91 of the Act is re-enacted to add additional definitions for purposes of Part VI of the Act.

SECTION 3.—Subsection 1. Subsection 92 (6a) of the Act sets out a general requirement that no combination of vehicles shall have a length in excess of twenty-three metres while on a highway. New subsection 92 (6b) permits certain combinations of vehicles to be up to twenty-five metres in length if specified conditions are satisfied.

New subsections 92 (6c) and (6d) concern the maximum allowable box lengths for certain combinations of vehicles.

**Subsection 2.** New subsections 92 (7) to (7b) of the Act concern the maximum allowable lengths for semi-trailers.

SECTION 4. Subsection 96 (2) of the Act is amended to authorize the making of regulations to prescribe maximum allowable dimensions for certain combinations of vehicles other than the dimensions set out in the Act.

**SECTION 5.** Section 108 of the Act is amended to authorize the making of regulations prescribing maximum allowable weights for classes of vehicles and combinations of vehicles and prescribing maximum allowable loadings on components of a vehicle.

SECTION 6. Several changes are made to certain tables to Part VII of the Act. The tables set out maximum allowable weights.

Bill 96 1989

#### An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Paragraph 38a of subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1981, chapter 48, section 1, is amended by inserting after "trailer converter dolly" in the first line "except in Part VI".
- **2.** Section 91 of the said Act is repealed and the following substituted therefor:

91. In this Part,

Definitions

- "A-train converter dolly" means a trailer converter dolly that is towed from a single hitch located on the centre-line of the towing unit;
- "A-train double" means a combination of vehicles comprised of a tractor, a semi-trailer and either an A-train converter dolly and a semi-trailer or a full trailer attached to the lead semi-trailer in a like manner as if an A-train converter dolly were used;
- "axle" has the same meaning as in Part VII;
- "axle unit" has the same meaning as in Part VII;
- "B-train double" means a combination of vehicles comprised of a tractor and two semi-trailers, where the second semitrailer is attached by means of a fifth wheel assembly mounted on the rear of the first semi-trailer;
- "box length", for a combination of vehicles having more than one trailer, means the distance from the front of the lead trailer to the rear of the rearmost trailer, including load, exclusive of any extension in the length caused by auxiliary

- equipment or machinery at the front that is not designed for the transportation of goods;
- "C-train converter dolly" means a single axle trailer converter dolly that does not articulate about a vertical axis through the hitch point on the towing trailer, is fitted with a self-steering axle and attaches a full trailer to the rear of a semi-trailer to form a C-train double;
- "C-train double" means a combination of vehicles comprised of a tractor and a semi-trailer and another semi-trailer attached to the first semi-trailer by means of a C-train converter dolly;
- "dual axle" has the same meaning as in Part VII;
- "fifth wheel assembly" means a coupling device with,
  - (a) the lower-half mounted on the rear portion of a vehicle frame or the frame of a trailer converter dolly, and
  - (b) the upper-half fastened to the underside of the forward portion of a vehicle for the purpose of supporting and towing the vehicle;
- "full trailer" means a trailer so designed that its weight and load is carried on its own axles and includes a combination consisting of a semi-trailer and a trailer converter dolly;
- "kingpin" means the pin that couples a vehicle to the lower half of a fifth wheel assembly;
- "over-dimensional farm vehicle" means a farm tractor, selfpropelled implement of husbandry, implement of husbandry, or any combination of them, having a weight, width, length or height in excess of the limits provided in this Part or Part VII;
- "semi-trailer" means a trailer so designed that the forward part of the trailer rests on or is carried by another vehicle or a trailer converter dolly and is coupled to that vehicle or trailer converter dolly by means of a fifth wheel assembly;
- "single axle" has the same meaning as in Part VII;
- "tow bar" means a towing device connected to the chassis frame of the towed vehicle and containing an eye or equivalent device for the purpose of coupling with a hitch;

- "trailer converter dolly" means a vehicle that is used to convert a semi-trailer into a full trailer, consisting of one or more axles, the lower half of a fifth wheel assembly and a tow bar:
- "triple axle" has the same meaning as in Part VII;
- "turn centre" of an axle unit means the midway point between the centres of the first and last axles of the axle unit.
- 3.—(1) Subsections 92 (6b) and (6c) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 21, section 7, are repealed and the following substituted therefor:
- (6b) Notwithstanding subsection (6a), an A-train double, Idem B-train double or C-train double, including load, may be up to twenty-five metres in length while on a highway if,
  - (a) the distance from the centre of the front axle of the tractor to the turn centre of the rear axle unit of the tractor does not exceed 6.2 metres;
  - (b) the tractor towing the combination of vehicles has no more than three axles; and
  - (c) the kingpin of the foremost trailer is located so that the front of the semi-trailer is entirely within a horizontal circular arc of two metres radius centred on the kingpin.
- (6c) No combination of vehicles having more than one Box length trailer shall have a box length in excess of 18.5 metres while combination on a highway.
- (6d) Notwithstanding subsection (6c), a B-train double may Idem have a box length of up to twenty metres while on a highway.
- (2) Subsection 92 (7) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 20, is repealed and the following substituted therefor:
- (7) Subject to subsection (7a) and section 93, no semitrailer shall exceed the length of 14.65 metres while on a highway.
- (7a) A semi-trailer may be up to 16.2 metres in length <sup>Idem</sup> while on a highway if,

- (a) the semi-trailer is equipped with a single axle unit, a dual axle unit or a triple axle unit;
- (b) none of the axles on the semi-trailer or the tractor towing the semi-trailer is equipped with a means to adjust the proportion of the weight on an axle independent of the load on the vehicle or equipped with a means to remove an axle from contact with the ground;
- (c) on a semi-trailer having a dual axle unit, the minimum and maximum axle spacing is 1.2 metres and 1.85 metres respectively;
- (d) on a semi-trailer having a triple axle unit, the minimum and maximum axle spacing is 2.4 metres and 3.7 metres respectively;
- (e) the distance from the kingpin to the turn centre of the semi-trailer axle unit does not exceed 12.5 metres;
- (f) the distance from the centre of the front axle of the tractor towing the semi-trailer to the turn centre of the rear axle unit of the tractor does not exceed 6.2 metres;
- (g) the kingpin is located so that the front of the semitrailer is entirely within a horizontal circular arc of two metres radius centred on the kingpin;
- (h) the distance from the turn centre of the semi-trailer axle unit to the rear of the semi-trailer, including load, does not exceed 35 per cent of the distance from the kingpin of the semi-trailer to the turn centre of the semi-trailer axle unit; and
- (i) the tractor towing the semi-trailer has no more than three axles.

Idem

- (7b) For the purposes of subsections (7) and (7a), any extension in the length of a semi-trailer caused by auxiliary equipment or machinery at the front that is not designed for the transportation of goods is not to be included in determining the length of the semi-trailer.
- **4.** Subsection 96 (2) of the said Act is amended by adding thereto the following clause:

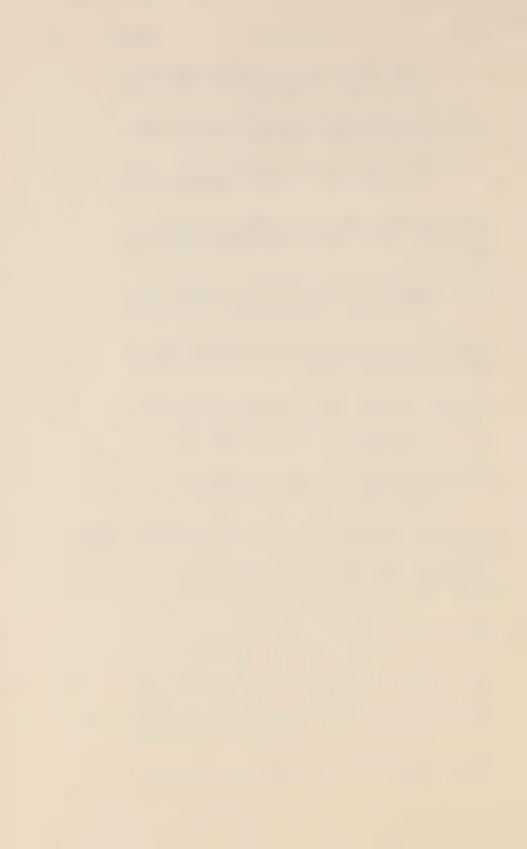
- (e) prescribing maximum allowable dimensions for an A-train double, B-train double or C-train double other than those set out in this Act.
- 5.—(1) Clause 108 (a) of the said Act is repealed and the following substituted therefor:
  - (a) prescribing maximum allowable gross vehicle weights for classes of vehicles and combinations of vehicles.
- (2) Section 108 of the said Act is amended by striking out "and" at the end of clause (b) and by adding thereto the following clause:
  - (d) prescribing maximum allowable loadings on components of a vehicle in relation to the vehicle manufacturer's ratings for the components.
- 6.—(1) Column Two of Table 1 to Part VII of the said Act is amended by striking out "16,800" in the second line and inserting in lieu thereof "17,000".
  - (2) Table 2 to the said Part VII is amended by striking out,

3.0 to less than 3.1 22,400 **3.1** to less than **3.2** 22,700

in the fifth and sixth lines and inserting in lieu thereof,

3.0 to less than 3.2 23,000

- 7. This Act comes into force on a day to be named by proc- Commencelamation of the Lieutenant Governor.
- 8. The short title of this Act is the Highway Traffic Amend- Short title ment Act, 1989.



1.0

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

### Bill97

### An Act to amend the Law Society Act

The Hon. I. Scott

Attorney General

DEC2 1 1080

1st Reading

December 13th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

The purpose of the Bill is to permit the admission of persons qualified to practise law outside Ontario as temporary members of The Law Society of Upper Canada. Temporary members are permitted to act as barristers and solicitors in the employ of the Attorney General for Ontario or, if appointed under the *Crown Attorneys Act*, as Crown attorneys or assistant Crown attorneys.

**Bill 97** 1989

#### An Act to amend the Law Society Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause 1 (c) of the Law Society Act, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by inserting after "member" in the second line "and a temporary member".
- 2. Section 16 of the said Act is amended by adding thereto the following subsection:
- (2) For the purposes of subsection (1), "member" does not Idem include a temporary member.
- 3. The said Act is amended by adding thereto the following section:
- **28a.**—(1) On the request of the Attorney General, a per- Admission of son who is of good character and who is qualified to practise members law outside Ontario may be admitted by Convocation as a temporary member of the Society for a specified period.

(2) A person need not be a Canadian citizen or a perman- Canadian ent resident of Canada to be admitted as a temporary member residency not of the Society.

citizenship or required

(3) For the period specified under subsection (1), a temporary member of the Society shall be deemed to be called to the bar and admitted and enrolled as a solicitor and is entitled to act and practise as a barrister and solicitor in the employ of the Attorney General for Ontario or, if appointed under the Crown Attorneys Act, as a Crown attorney or assistant Crown R.S.O. 1980, attorney.

Limited right to practise

(4) A person admitted as a temporary member of the Termination Society for a specified period ceases to be a member at the membership end of the period.

**4.** Subsection 50 (1) of the said Act is repealed and the following substituted therefor:

Prohibition as to practice, etc.

- (1) Except where otherwise provided by law,
  - (a) no person, other than a member whose rights and privileges are not suspended, shall act as a barrister or solicitor or hold himself or herself out as or represent himself or herself to be a barrister or solicitor or practise as a barrister or solicitor; and
  - (b) no temporary member shall act as a barrister or solicitor or practise as a barrister or solicitor except to the extent permitted by subsection 28a (3).
- 5. Paragraph 12 of subsection 62 (1) of the said Act is repealed and the following substituted therefor:
  - 12. governing members and student members or any class of either of them, and prescribing their rights and privileges.
- 6. Paragraph 1 of section 63 of the said Act is amended by inserting after "student members" in the third line "or any class of either of them".

Commencement 7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the Law Society Amendment Act, 1989.

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill 98

# An Act to amend the Ministry of the Environment Act



1st Reading

December 14th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTE**

The purpose of the Bill is to require the Minister to publish an annual report on the affairs of the Ministry.

Bill 98 1989

# An Act to amend the Ministry of the Environment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 5 of the *Ministry of the Environment Act*, being chapter 278 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- (2) The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next session.
- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Ministry of the Environ-Short title ment Amendment Act, 1989.



2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill 99

# An Act to amend the Ministry of Transportation and Communications Act

The Hon. E. Fulton *Minister of Transportation* 



1st Reading February 10th, 1988

2nd Reading

3rd Reading

Royal Assent

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.

#### **EXPLANATORY NOTES**

The Bill continues the Ministry of Transportation and Communications under the name Ministry of Transportation.

Section 5 of the Bill protects individuals acting in good faith from personal liability in tort.

**Bill 99** 1989

### An Act to amend the **Ministry of Transportation and Communications Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title of the Ministry of Transportation and Communications Act, being chapter 289 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

#### Ministry of Transportation Act

- 2. Section 1 of the said Act is repealed and the following substituted therefor:
  - 1. In this Act,

Definitions

"Minister" means the Minister of Transportation;

"Ministry" means the Ministry of Transportation.

- 3. Subsection 2 (1) of the said Act is repealed and the following substituted therefor:
- (1) The ministry of the public service known as the Ministry of Transportation and Communications is continued under the name of the Ministry of Transportation.

- 4. Subsection 4 (1) of the said Act is amended by striking out "and Communications" in the fifth line and in the eighth line.
- 5. The said Act is further amended by adding thereto the following section:
- 9.—(1) No action or other proceeding for damages shall Immunity be instituted against the Deputy Minister, any officer or employee of the Ministry, anyone acting under the authority

of the Minister or the Deputy Minister, or anyone appointed under any Act assigned to the Minister for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown liability R.S.O. 1980, c. 393

(2) Notwithstanding subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

Reference in other Acts, etc.

6. A reference in any Act, regulation, order in council, ministerial order, or act or thing made or done under any Act, to the Minister of Transportation and Communications, the Deputy Minister of Transportation and Communications or the Ministry of Transportation and Communications or the Ministry of Transportation and Communications Act shall be deemed to be a reference to the Minister of Transportation, the Deputy Minister of Transportation, the Ministry of Transportation or the Ministry of Transportation Act, respectively.

R.S.O. 1980,

c. 289

7. This Act shall be deemed to have come into force on the 29th day of September, 1987.

Short title

Commence-

ment

8. The short title of this Act is the Ministry of Transportation and Communications Amendment Act, 1989.

38 ELIZABETH II, 1989

# Bill 100

An Act to amend the Courts of Justice Act, 1984

The Hon. M. Elston

Chairman of the Management Board of Cabinet

1st Reading

December 18th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The purpose of the Bill is to implement recommendations of the Henderson Report concerning remuneration, benefits and allowances of provincial judges.

SECTION 1. This section provides that provincial judges may not devote any of their time to the practice of law.

**SECTION 2.** This section sets the salaries for provincial judges for the year beginning April 1, 1989. It provides for annual increments based on the lesser of the increase in the Industrial Aggregate for Canada and 7 per cent.

SECTION 3. This section changes the name of the Ontario Provincial Courts Committee to the Provincial Court Commission and provides that the Commission will be appointed every three years to inquire into the adequacy of salary levels, allowances and benefits of provincial judges. It is also given discretion to conduct further inquiries into salary levels, allowances and benefits of provincial judges if requested to do so by a provincial judges' association or the Government of Ontario. In both cases it is to present recommendations and a report to the Chairman of Management Board of Cabinet.

**SECTION 4.—Subsection 1.** Ancillary to amendments in section 1.

Subsections 2 and 3. These subsections give the Lieutenant Governor in Council authority to make regulations concerning the appointment of a body to administer and manage any provisions concerning benefits of provincial judges and masters. A regulation may authorize the body to transfer funds respecting provincial judges' and masters' benefits from the Consolidated Revenue Fund to a separate fund to be administered by the body, to contract out the administration of any transferred fund to an administrator of another pension fund and to deduct the costs of administering the fund from the fund.

**Bill 100** 1989

### An Act to amend the Courts of Justice Act, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 42 (1) of the Courts of Justice Act, 1984, being chapter 11, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding at the end thereof "and shall not devote any of his or her time to the practice of law".
- 2. The said Act is amended by adding thereto the following section:
- **42a.**—(1) For the year beginning on the 1st day of April, Salaries of 1989, full-time provincial judges shall receive the following provincial salaries:

- 1. Chief Judge of the Provincial Division ..... \$120,000
- Regional senior judge of the Provincial 2.
- 3. Co-ordinator of Justices of the Peace ...... 115.000
- 4. Any other provincial judge ...... 105,000
- (2) For subsequent years, full-time provincial judges shall Annual adjustment receive salaries calculated as follows:
  - 1. Determine the Industrial Aggregate for the twelvemonth period that most recently precedes the 1st day of April of the year for which the salaries are to be calculated.
  - 2. Determine the Industrial Aggregate for the twelvemonth period immediately preceding the period referred to in paragraph 1.

- 3. Calculate the percentage that the Industrial Aggregate under paragraph 1 is of the Industrial Aggregate under paragraph 2.
- 4. If the percentage calculated under paragraph 3 exceeds 100 per cent, the salaries are to be calculated by multiplying the appropriate salaries for the year preceding the year for which the salaries are to be calculated by the lesser of that percentage and 107 per cent.
- 5. If the percentage calculated under paragraph 3 does not exceed 100 per cent, the salaries shall remain unchanged.

Idem

(3) In subsection (2), "Industrial Aggregate" for a twelvemonth period is the average for that twelve-month period of the weekly wages and salaries of the Industrial Aggregate in Canada as published by Statistics Canada under the authority of the *Statistics Act* (Canada).

R.S.C. 1985, c. S-19

Consolidated Revenue Fund

- (4) The salaries, allowances and benefits of provincial judges shall be paid out of the Consolidated Revenue Fund.
- 3. Section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Provincial Court Commission **50.**—(1) The committee known as the Ontario Provincial Courts Committee is continued as the Provincial Court Commission.

Composition of Commission

- (2) The Commission shall be composed of,
  - (a) one member appointed jointly by the associations representing provincial judges;
  - (b) one member appointed by the Lieutenant Governor in Council; and
  - (c) one member who shall head the Commission, appointed jointly by the bodies referred to in clauses (a) and (b).

Appointment of first members

(3) The first members of the Commission shall be appointed on or before the 1st day of June, 1990.

Three-year terms (4) The members of the Commission shall be appointed for a term of three years and may be reappointed.

- (5) If a vacancy occurs on the Commission, a replacement Vacancies may be appointed for the unexpired part of the term.
- (6) Judges and public servants, as defined in the Public Judges and Service Act, shall not be members of the Commission.

COURTS OF JUSTICE

servants not members

(7) The members of the Commission shall be paid the Remunerremuneration fixed by the Management Board of Cabinet and expenses and, subject to Management Board's approval, the reasonable expenses actually incurred in carrying out their duties.

(8) The Commission may retain support services and pro-Services fessional services, including the services of counsel, as it considers necessary, subject to the approval of Management Board.

(9) The Commission shall conduct an inquiry into the ade- Mandatory quacy of salary levels, allowances and benefits of provincial three-year judges and shall, within six months of its members being intervals appointed, present recommendations and a report to the Chairman of the Management Board of Cabinet.

(10) In addition to the inquiry referred to in subsection (9), the Commission may, in its discretion, conduct any further Commission's inquiries into the salary levels, allowances and benefits of discretion provincial judges that are requested by a provincial judges' association or the Government of Ontario.

Additional inquiries in

(11) If the Commission conducts a discretionary inquiry, it Idem shall present its recommendations and a report to the Chairman of the Management Board of Cabinet.

(12) The Commission's recommendations and reports shall Tabling be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next session.

(13) In conducting its inquiries, the Commission shall con-Manner of sider written and oral submissions made by provincial judges' inquiries associations and by the Government of Ontario.

conducting

- (14) The Commission may hold hearings, and may consider Idem written and oral submissions from other interested persons and groups.
- (15) The following rules govern the presentation to the Commission of submissions by provincial judges' associations and by the Government of Ontario, and their consideration by the Commission:

Submissions government

- 1. Each judges' association is entitled to receive advance disclosure of written submissions by the Government of Ontario and is entitled to make a written submission in reply.
- 2. The Government of Ontario is likewise entitled to receive advance disclosure of written submissions by provincial judges' associations and is entitled to make a written submission in reply.
- 3. When a representative of the Government of Ontario or of a judges' association makes an oral submission, the Commission may exclude from the hearing all persons except representatives of the Government of Ontario and of the judges' associations.
- 4. The representatives of the Government of Ontario and of the judges' associations are entitled to reply to each other's oral submissions.
- 5. If people have been excluded from the hearing under paragraph 3, the submissions of the Government of Ontario and of the judges' associations shall not be made public except to the extent that they are mentioned in the Commission's report.

Submissions by others

(16) The Government of Ontario and the provincial judges' associations are entitled to be present when other persons make oral submissions to the Commission and are entitled to receive copies of other persons' written submissions.

Annual report

- (17) The Commission shall make an annual report of its activities to the Chairman of the Management Board.
- **4.**—(1) Clause 52 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:
  - (b) fixing the allowances payable to provincial judges;
  - (ba) fixing the remuneration of masters.
- (2) Subsection 52 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clauses:
  - (ca) appointing a body to administer any provisions concerning benefits of provincial judges and masters, including their pension benefits;

- (cb) prescribing the powers and duties to be exercised and performed by the appointed body;
- (cc) fixing the daily rate of remuneration of part-time provincial judges.
- (3) Section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following subsection:
  - (4a) A regulation made under clause (1) (cb) may,

Powers of appointed body

- (a) authorize the transfer of the custody, control and administration of any specified fund respecting provincial judges' and masters' benefits from the Consolidated Revenue Fund to a fund to be administered by the appointed body;
- (b) authorize the transfer under clause (a) to be made by cash, by the issue by Ontario of debentures to the authorized body or by both and attach conditions, including specifying the rate of interest to be paid, to the issue of the debentures;
- (c) authorize the appointed body to contract with an administrator of a pension plan, other than the Canada Pension Plan, to which the Crown in right of Ontario contributes for the administrator to provide administrative and management services respecting a transferred fund;
- (d) authorize the appointed body to deduct from a transferred fund the administrative costs of operating it or any costs incurred under a contract under clause (c); and
- (e) prescribe rules for the investment and management of a transferred fund.
- **5.** This Act comes into force on a day to be named by Commence-proclamation of the Lieutenant Governor.
- 6. The short title of this Act is the Courts of Justice Short title Amendment Act, 1989.



Fullications

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill 101

# An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act

The Hon. E. Fulton

Minister of Transportation



1st Reading

February 11th, 1988

2nd Reading

3rd Reading

Royal Assent

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.

#### **EXPLANATORY NOTE**

The repeal of the Act is brought forward in conjunction with an amendment to the Construction Lien Act, 1983 whereby it is considered that suppliers shall receive better protection.

Bill 101 1989

# An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Ministry of Transportation and Communications Creditors Payment Act, being chapter 290 of the Revised Statutes of Ontario, 1980, is repealed.
- **2.**—(1) This Act comes into force on a day to be named by Commence-proclamation of the Lieutenant Governor.
- (2) Notwithstanding section 1, the *Ministry of Transportation* and Communications Creditors Payment Act continues to apply in respect of labour, material or services supplied as a result of a contract, as defined in that Act, made before this Act comes into force.

Continued application

3. The short title of this Act is the Ministry of Transporta-Short title tion and Communications Creditors Payment Repeal Act, 1989.



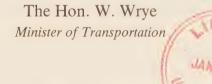
2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II. 1989

# Bill 101

(Chapter 88 Statutes of Ontario, 1989)

### An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act



1st Reading February 11th, 1988

2nd Reading December 14th, 1989

3rd Reading December 19th, 1989

Royal Assent December 19th, 1989

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.



**Bill 101** 1989

### An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Ministry of Transportation and Communications Creditors Payment Act, being chapter 290 of the Revised Statutes of Ontario, 1980, is repealed.
- 2.—(1) This Act comes into force on a day to be named by Commenceproclamation of the Lieutenant Governor.
- (2) Notwithstanding section 1, the Ministry of Transportation Continued and Communications Creditors Payment Act continues to apply in respect of labour, material or services supplied as a result of a contract, as defined in that Act, made before this Act comes into force.

application

3. The short title of this Act is the Ministry of Transporta- Short title tion and Communications Creditors Payment Repeal Act, 1989.



Governmen

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill 102

### An Act to amend the Construction Lien Act, 1983

The Hon. E. Fulton

Minister of Transportation



1st Reading

February 11th, 1988

2nd Reading

3rd Reading

Royal Assent

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.

#### **EXPLANATORY NOTE**

Subsection 3 (1) of the Act is recast to remove the reference to the Ministry of Transportation and Communications Creditors Payment Act. The effect is that contracts that were covered by that Act will fall under the Construction Lien Act, 1983. A Bill repealing the Ministry of Transportation and Communications Creditors Payment Act is to be introduced in conjunction with this Bill.

**Bill 102** 1989

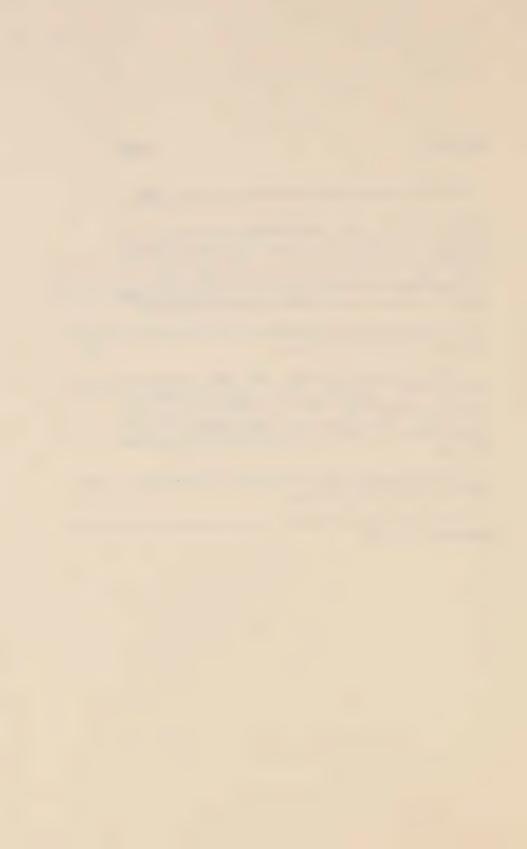
### An Act to amend the Construction Lien Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 (1) of the Construction Lien Act, 1983, being chapter 6, is repealed and the following substituted therefor:
- (1) Subject to section 16 (where lien does not attach to the Act binds premises), this Act binds the Crown.
- 2. The Construction Lien Act, 1983 does not apply in Limited respect of labour, material or services supplied as a result of a contract, as defined in the Ministry of Transportation and Communications Creditors Payment Act, being chapter 290 of the Revised Statutes of Ontario, 1980, made before this Act comes into force.

application

- 3. This Act comes into force on a day to be named by proc- Commencelamation of the Lieutenant Governor.
- 4. The short title of this Act is the Construction Lien Short title Amendment Act, 1989.



38 ELIZABETH II, 1989

# Bill 102

(Chapter 89 Statutes of Ontario, 1989)

### An Act to amend the Construction Lien Act, 1983

The Hon. W. Wrye Minister of Transportation



1st Reading February 11th, 1988

2nd Reading December 14th, 1989

3rd Reading December 19th, 1989

Royal Assent December 19th, 1989

Continued from the 1st Session by an Order of the Legislative Assembly of March 2nd, 1989.



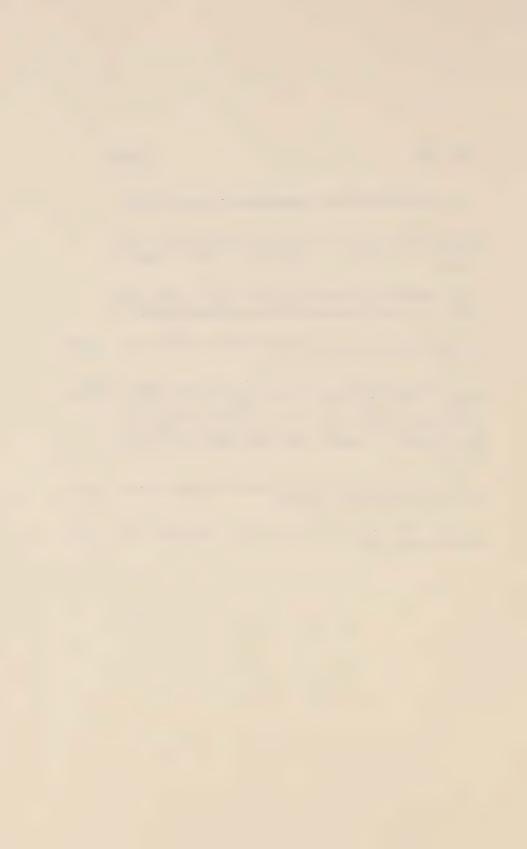
**Bill 102** 1989

### An Act to amend the Construction Lien Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 (1) of the Construction Lien Act, 1983, being chapter 6, is repealed and the following substituted therefor:
- (1) Subject to section 16 (where lien does not attach to the Act binds premises), this Act binds the Crown.
- 2. The Construction Lien Act, 1983 does not apply in Limited respect of labour, material or services supplied as a result of a contract, as defined in the Ministry of Transportation and Communications Creditors Payment Act, being chapter 290 of the Revised Statutes of Ontario, 1980, made before this Act comes into force.

- 3. This Act comes into force on a day to be named by proc- Commencelamation of the Lieutenant Governor.
- 4. The short title of this Act is the Construction Lien Short title Amendment Act, 1989.



Government Publications

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill 103

## An Act to revise the Building Code Act

The Hon. J. Sweeney

Minister of Housing



1st Reading

December 19th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The Bill revises the existing *Building Code Act*. The purpose of the revision is to provide for greater flexibility, efficiency and effectiveness in the administration and enforcement of the Act.

The main changes effected by the Bill are as follows:

- 1. A program of private regulatory plans review and inspection by designated persons may be established by regulation which would apply to those areas and classes of buildings cited in the regulations.
- 2. Standards for existing buildings may be established in the building code.
- 3. Conditional permits could be issued for any stage of construction even if the proposed construction might contravene some applicable law for which approval has not as yet been obtained, if zoning approvals and such other approvals as may be cited in the regulations have been obtained.
- 4. The chief building official and the Building Code Commission are authorized to accept equivalent materials, techniques and systems to those contained in the building code, subject to the conditions set out therein.
- 5. The Minister may issue rulings to approve the use of innovative materials, products, systems or services evaluated and approved by such materials evaluation bodies as may be designated in the regulations.
- 6. The term "applicable law" is defined in the regulations.
- 7. The definition of "unsafe" is expanded in relation to buildings. Emergency remedial powers are given to the chief building official in respect of unsafe buildings.
- 8. The Bill provides expanded powers of entry.
- 9. A permit for a change in use of an existing building is required although no construction is proposed if the change will result in an increase in hazard, as defined in the regulations.
- 10. Fines are increased to a maximum of \$25,000 for a first offence and \$50,000 for a subsequent offence. This amount is increased to \$50,000 and \$100,000 respectively, for a corporation. For continuing offences the fine is increased to a maximum of \$10,000 per day. Formerly the fines were a maximum of \$2,000 for all offences except in the case of a corporation where the maximum fine was \$10,000. The former fine for a continuing offence was \$100 per day.
- 11. The plumbing code is transferred from the *Ontario Water Resources Act* to this Act and the building code.

Bill 103 1989

### An Act to revise the Building Code Act

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act,

Definitions

"applicable law" means applicable law as defined in the building code;

"building" means,

(a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the func-

- tion of a wall, roof or floor, including service systems related thereto,
- (b) a structure of any size that contains plumbing, including the plumbing system related thereto, or
- (c) structures designated in the building code;
- "building code" means regulations made under section 35;
- "chief building official" means the chief building official appointed or constituted under section 3 or 4;
- "construct" means to do anything in the erection, installation, repair or extension of or material alteration to a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning;
- "demolish" means to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning;
- "director" means the person appointed as director under section 2;
- "inspector" means an inspector appointed under section 3 or 4;
- "Minister" means the Minister of Housing;
- "municipality" means a city, town, village, township or improvement district;
- "plumbing" means a drainage system, a venting system and a water distribution system or parts thereof;
- "regulations" means regulations made under this Act;
- "unsafe" means,
  - (a) structurally inadequate or faulty for the purpose for which it is used.
  - (b) in a condition that could be hazardous to the health or safety of persons in the normal use of a building, persons outside a building or persons whose access to a building has not been reasonably prevented, or

- 3
- (c) in a condition that could result in damage to neighbouring buildings or land.
- (2) This Act does not apply to structures used directly in Structures to the extraction of ore from a mine.

which Act does not apply

(3) This Act applies to a plumbing system that is not External located in a building in the same manner as if it were located in a building.

plumbing

2. There shall be a director of the Ontario Buildings Director Branch who shall be appointed by the Lieutenant Governor in Council.

**3.**—(1) The council of each municipality is responsible for Enforcement the enforcement of this Act in the municipality.

by municipality

(2) The council of each municipality shall appoint a chief Chief building official and such inspectors as are necessary for the official and enforcement of this Act in the areas in which the municipality inspectors has jurisdiction.

(3) The councils of two or more municipalities may enter Agreements into an agreement,

for joint enforcement

- (a) providing for the joint enforcement of this Act within their respective municipalities;
- providing for the sharing of costs incurred in the enforcement of this Act within their respective municipalities; and
- (c) providing for the appointment of a chief building official and inspectors.
- (4) If an agreement under subsection (3) is in effect, the Joint municipalities have joint jurisdiction in the area comprising the municipalities.

jurisdiction

(5) The council of a county and of one or more municipali- County ties in the county may enter into an agreement for the enforcement by the county of this Act in the municipalities and for charging the municipalities the whole or part of the cost.

enforcement

(6) If an agreement under subsection (5) is in effect, the Powers of county shall appoint a chief building official and inspectors and has jurisdiction for the enforcement of this Act in the municipalities that are parties to the agreement.

Deemed county

(7) The County of Oxford, The District Municipality of Muskoka and every regional municipality, except The Regional Municipality of Sudbury and The Regional Municipality of Haldimand-Norfolk, shall be deemed to be a county for the purposes of this Act.

Certificates of appointment

(8) The clerk of the municipality or county shall issue a certificate of appointment to the chief building official and each inspector.

Enforcement by Ontario

**4.**—(1) Ontario is responsible for the enforcement of this Act in territory without municipal organization.

Agreements for provincial enforcement (2) The council of a municipality and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act in the municipality by Ontario subject to such payment in respect of costs as is set out in the agreement.

Idem

(3) If an agreement under subsection (2) is in effect, Ontario has jurisdiction for the enforcement of this Act in the municipality.

Appointment of inspectors R.S.O. 1980.

c. 418

(4) Inspectors necessary for the enforcement of this Act in the areas in which Ontario has jurisdiction shall be appointed under the *Public Service Act*.

Director as chief building official

(5) The director is the chief building official for the areas in which Ontario has jurisdiction.

Certificates of appointment

(6) The Deputy Minister of Housing shall issue a certificate of appointment to the director and each inspector appointed under subsection (4).

Agreements for enforcement by municipality 5.—(1) The council of a municipality adjacent to territory without municipal organization and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act by the municipality in such part of the territory without municipal organization and subject to such payment in respect of costs as is set out in the agreement.

Idem

(2) If an agreement under subsection (1) is in effect, the municipality has jurisdiction for the enforcement of this Act in the area designated in the agreement.

Production of certificate

**6.** The chief building official and inspectors shall carry their certificates of appointment when performing their duties and shall produce them for inspection upon request.

7.—(1) Unless exempted by the building code, no person Building shall construct or demolish or cause to be constructed or demolished a building unless a permit has been issued therefor by the chief building official.

(2) The council of a municipality or a county that has By-laws and entered into an agreement under subsection 3 (5) may pass for building by-laws and the Lieutenant Governor in Council may make permits regulations applicable in the area in which the municipality, the county or Ontario has jurisdiction,

- (a) prescribing classes of permits under this Act, including permits in respect of any stage of construction or demolition:
- (b) providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed;
- requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof:
- (d) providing for the refunding of fees under such circumstances as are prescribed;
- (e) prescribing the time within which notices required by the building code must be given to the chief building official or an inspector;
- prescribing forms respecting permits and applications for permits and providing for their use;
- (g) enabling the chief building official to require that a set of plans of a building or any class of buildings as constructed be filed with the chief building official on completion of the construction under such conditions as may be prescribed;
- (h) providing for the transfer of permits when land changes ownership.
- 8.—(1) The chief building official shall issue a permit Issue of unless.
  - (a) the proposed building or the proposed construction or demolition will not comply with this Act or the building code or will contravene any other applicable law:

R.S.O. 1980, c. 350

- (b) the applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan Act* and is not registered under that Act;
  - (c) the application therefor is incomplete; or
  - (d) any fees due are unpaid.

Conditional permit

- (2) Even though all requirements have not been met to obtain a permit under subsection (1), the chief building official may issue a conditional permit for any stage of construction if,
  - (a) zoning approvals and such other approvals as may be set out in the building code have been obtained in respect of the proposed building or construction;
  - (b) the chief building official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted;
  - (c) the applicant agrees in writing to,
    - (i) assume all risk in commencing the construction,
    - (ii) obtain all necessary approvals in the time set out in the permit or, if none, as soon as practicable,
    - (iii) file plans and specifications of the complete building in the time set out in the permit, and
    - (iv) pay all costs to remove the building and restore the site in the manner specified in the permit if approvals are not obtained or plans filed in the time set out in the permit; and
  - (d) the applicant provides security in a form and in an amount satisfactory to the chief building official in respect of the performance of the agreement described in clause (c).

Criteria for conditional permit

(3) In considering whether a conditional permit should be granted, the chief building official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained.

(4) Upon reasonable grounds, the chief building official Referral of may, and upon the request of the Association of Professional Engineers of Ontario or the Ontario Association of Architects the chief building official shall, refer drawings, plans and specifications accompanying applications for permits to those associations for the purpose of determining if the Professional 1984, cc. 13. Engineers Act, 1984 or the Architects Act, 1984 is being contravened.

(5) No person shall make a material change or cause a Notice of material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the chief building official.

(6) Subject to section 26, the chief building official may Revocation revoke a permit issued under this Act,

- (a) if it was issued on mistaken, false or incorrect information:
- (b) if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the chief building official, been seriously commenced;
- if the construction or demolition of the building is, in the opinion of the chief building official, substantially suspended or discontinued for a period of more than one year;
- (d) if it was issued in error; or
- (e) if the holder requests in writing that it be revoked.
- (7) No person shall construct or demolish or cause to be No constructed or demolished a building except in accordance except in with the plans, specifications, documents and any other accordance information on the basis of which a permit was issued or any changes thereto authorized by the chief building official.

with permit

9. The chief building official may, subject to such condi- Equivalents tions as may be set out in the building code, allow the use of materials, techniques and systems that are not authorized in the building code if, in the opinion of the chief building official, the level of performance that would be achieved is at least equivalent to that provided by the materials, techniques and systems authorized in the building code.

Change of use

10.—(1) Even though no construction is proposed, no person shall change the use of a building or part of a building which would result in an increase in hazard as determined under the building code unless a permit has been issued by the chief building official.

Permit

- (2) The chief building official shall issue a permit under subsection (1) unless,
  - (a) the change in use would result in a contravention of this Act or the building code or any other applicable law;
  - (b) the application therefor is incomplete; or
  - (c) any fees due are unpaid.

Conditions for occupation

- **11.** Except as authorized by the building code, no person shall occupy or use or permit to be occupied or used any building or part thereof newly erected or installed unless,
  - (a) notice of the date of completion of the building or part thereof has been given to the chief building official;
  - (b) an inspection has been made pursuant to the notice or ten days have elapsed since the later of the service of the notice and the date of completion; and
  - (c) any order made by an inspector under section 12 has been complied with.

Inspection

- **12.**—(1) An inspector may enter upon land at any reasonable time without a warrant for the purpose of,
  - (a) inspecting the building or site in respect of which a permit is issued or an application for a permit is made; or
  - (b) determining if a permit is required to be issued.

Order by inspector

(2) An inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order.

Service

(3) The order shall be served on the person to whom the permit is issued and any other person whom the inspector believes is contravening this Act or the building code.

- (4) The order shall contain sufficient information to specify Idem the nature of the contravention and its location.
- (5) The inspector may post a copy of the order on the site Posting of of the construction or demolition.
- **13.**—(1) An inspector may make an order prohibiting the Order not to covering or enclosing of any part of a building pending inspection.
- (2) The order shall be served on the person to whom the Service permit is issued and on such other persons affected thereby as the inspector determines.
- (3) An inspector who makes an order under this section Posting of may post a copy of it on the site of the construction.
- (4) An inspection shall be made within a reasonable time Inspection after the person to whom the order is made has given notice that the part of the building is ready for inspection.
- (5) Section 28 does not apply to a notice under subsection Service not (4).
- (6) A chief building official who has reason to believe that Order to part of a building that is covered or enclosed has not been constructed in compliance with this Act or the building code may order the person to whom the permit is issued and any other person responsible for the construction to uncover the part at their own expense for the purpose of an inspection if,

- (a) the part was covered or enclosed contrary to an order made under subsection (1):
- (b) the notice was not given in the time prescribed by by-law or regulation made under clause 7 (2) (e);
- a reasonable time was not allowed after the notice was given for an inspection to be carried out; or
- (d) the part has been constructed without a building permit being issued.
- 14.—(1) If an order made under section 12 or 13 is not Stop work complied with within the time specified therein, or where no time is specified, within a reasonable time, the chief building official may order that all or any part of the construction or demolition cease.

Service of order

(2) The order shall be served on the person to whom the permit is issued and on such other persons affected thereby as the chief building official determines and a copy shall be posted on the site of the construction or demolition.

When order effective

(3) The order is effective from the time it is posted under subsection (2).

Idem

(4) If an order to cease construction or demolition is made, no person shall perform any act in the construction or demolition of the building in respect of which the order is made other than work necessary to carry out the order made under section 12 or 13.

Powers of inspectors respecting unsafe buildings

- **15.**—(1) An inspector may enter upon land at any reasonable time without a warrant for the purpose of inspecting a building to determine,
  - (a) whether the building is unsafe; or
  - (b) whether an order made under subsection (2) has been complied with.

Order to remedy unsafe building (2) An inspector who finds that a building is unsafe may make an order setting out the reasons why the building is unsafe and the remedial steps necessary to render the building safe and may require the order to be carried out within the time specified in the order.

Service

(3) The order shall be served on the owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy of the order shall be posted on the site of the building, construction or demolition.

Order respecting occupancy, remedial steps

- (4) If an order of an inspector under subsection (2) is not complied with within the time specified therein, or where no time is specified, within a reasonable time, the chief building official,
  - (a) may by order prohibit the use or occupancy of the building; and
  - (b) may cause the building to be renovated, repaired or demolished to remove the unsafe condition.

Power of entry

(5) For the purpose of clause (4) (b), the chief building official, an inspector and their agents may enter upon land.

(6) The chief building official, the municipality, the Prov- No compenince of Ontario, or anyone acting on behalf of the chief building official, the municipality or the Province of Ontario, is not exercise of liable to compensate the owner or occupant or any other person for anything done in the reasonable exercise of the power under subsections (4) and (5).

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(7) The order under clause (4) (a) shall be served on the Service owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy shall be posted on site of the building, construction or demolition.

(8) The order under clause (4) (a) is effective from the time it is posted under subsection (7).

When service

(9) If the building is in a municipality, the municipality Deemed shall have a lien on the land for the amount spent on the renovation, repair or demolition under clause (4) (b) and the amount shall be deemed to be taxes and may be added by the clerk to the collector's roll and collected in like manner as municipal taxes.

(10) If the building is in territory without municipal organi- Idem, zation, the Crown shall have a lien on the land for the amount spent on the renovation, repair or demolition under clause municipal (4) (b) and the amount shall be deemed to be taxes imposed under section 3 of the Provincial Land Tax Act and may be R.S.O. 1980. added to the Provincial Land Tax Register and collected in like manner as taxes under that Act.

without organization

**16.** Despite sections 12 and 15, an inspector shall not enter Entry to or remain in any room or place actually being used as a dwelling unit except with the consent of the occupier or under the authority of a warrant issued under this Act.

dwellings

17. Despite section 16, an inspector and his or her agents Special may enter upon land, including a room or place actually being used as a dwelling unit, by force if necessary, together with such police officers as may be called upon to assist the inspector, for the purposes of this Act without a warrant and without the consent of the occupier,

- (a) if the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person; or
- (b) if the entry is necessary to carry out the measures necessary to terminate a danger under subsection

18 (3) or to remove an unsafe condition under clause 15 (4) (b).

Emergency order

**18.**—(1) If upon inspection of a building an inspector is satisfied that the building is unsafe to such extent as to pose an immediate danger to the health or safety of any person, the chief building official may make an order containing particulars of the unsafe conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

Service

(2) The order shall be served on the owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy shall be posted on the site of the building, construction or demolition.

Emergency powers

(3) After making an order under subsection (1), the chief building official may, either before or after the order is served, take or cause to be taken any measures necessary to terminate the danger and for this purpose the chief building official, an inspector and their agents may enter upon land.

No compensation where reasonable exercise of powers

(4) The chief building official, the municipality, the Province of Ontario or anyone acting on behalf of the chief building official, the municipality or the Province of Ontario is not liable to compensate the owner, occupant or any other person by reason of anything done in the reasonable exercise of the powers under subsection (3).

Service of order (5) If the order was not served before measures were taken to terminate the danger, the chief building official shall immediately after the measures have been taken serve copies of the order in accordance with subsection (2).

Statement

(6) Each copy of the order shall have attached to it a statement by the chief building official describing the measures taken and providing details of the amount spent in taking the measures.

Separate service of statement

(7) If the order was served before the measures were taken, the chief building official shall, immediately after the measures have been taken, serve a copy of the statement mentioned in subsection (6), in accordance with subsection (2).

Application to court

(8) Immediately after subsections (5) to (7) have been complied with, the chief building official shall apply to a judge of the district court for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose.

- (9) The judge in disposing of an application under subsec-Powers of tion (8) may,
  - (a) confirm, modify or rescind the order; and
  - (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all.
  - (10) The disposition under subsection (9) is final.

Disposition

(11) If the building is in a municipality, the amount deter- Deemed mined by the judge to be recoverable shall be a lien on the land and shall be deemed to be taxes and may be added by the clerk to the collector's roll and collected in like manner as municipal taxes.

(12) If the building is in territory without municipal organi- Idem, zation, the amount determined by the judge to be recoverable without shall be a lien on the land and shall be deemed to be taxes municipal imposed under section 3 of the *Provincial Land Tax Act* and R.S.O. 1980. may be added to the Provincial Land Tax Register and col- c. 399 lected in like manner as taxes imposed under that Act.

**19.**—(1) For the purposes of an inspection under this Act, an inspector may,

Powers of inspector

- (a) require the production of the drawings and specifications of a building or any part thereof, including drawings prescribed by the building code;
- (b) require information from any person concerning a matter related to a building or part thereof;
- be accompanied by a person who has special or expert knowledge in relation to a building or part thereof:
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection;
- order any person responsible for the construction to take and supply at that person's expense such tests and samples as are specified in the order.
- (2) The inspector shall divide the sample taken under Samples clause (1) (d) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests

at the time the sample is taken and provides the necessary facilities.

Idem

(3) If an inspector takes a sample under clause (1) (d) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

Receipt

(4) An inspector shall provide a receipt for any document or thing removed under this section and if possible shall make copies of the documents and return the originals to the person from whom they were taken.

Copies

(5) Copies of documents and things removed under this section and certified as being true copies of the originals by the person who made them are admissible in evidence to the same extent as the originals.

Obstruction

**20.**—(1) No person shall hinder or obstruct, or attempt to hinder or obstruct, an inspector from lawfully carrying out a duty or exercising a power under this Act.

Occupied dwellings

(2) Subject to section 17, a refusal of consent to enter or remain in a place actually used as a dwelling unit without a warrant is not hindering or obstructing within the meaning of subsection (1).

Assistance of inspector

(3) Every person shall assist any entry, inspection, examination, testing or inquiry by an inspector or chief building official in the exercise of a power or duty under this Act.

Refusal to produce

(4) No person shall neglect or refuse to produce any drawings and specifications required by an inspector under clause 19 (1) (a).

Prohibition

**21.** No person shall remove the copy of any order posted under this Act unless authorized by an inspector.

Warrant to enter and inspect

- **22.**—(1) A justice of the peace may issue a warrant in the form prescribed by the building code authorizing an inspector to enter upon the land specified in the warrant to carry out an inspection if the justice of the peace is satisfied on evidence upon oath,
  - (a) that there is reasonable ground for believing that it is necessary to carry out an inspection to determine whether an order should be made under this Act or whether an order made under subsection 15 (2) has been complied with; and

(b) that the inspector has been denied entry to the land. has reasonable grounds to believe that entry would be denied, has been obstructed or has been refused the production of any thing.

**BUILDING CODE** 

(2) If a justice of the peace is satisfied upon evidence on Warrant to oath that there is reasonable ground for believing that an search offence under this Act has been committed and entry to land for the purpose of making examinations, investigations or inquiries and taking tests or any of them would afford evidence as to the commission of the offence, the justice of the peace may issue a warrant in the form prescribed by the building code authorizing the entry upon the land specified in the warrant for those purposes.

(3) A warrant issued for the purposes of subsection 15 (1) Use of force or under subsection (2) authorizes the inspector named in the warrant to enter upon land by use of force if necessary, together with such police officers as may be called upon for assistance, to execute the warrant but no force may be used in respect of any other warrant issued under this Act.

(4) A warrant issued under this section shall be executed at Execution reasonable times as specified in the warrant and shall state the warrant date upon which it expires, which shall be a date not later than fifteen days after it is issued.

(5) A justice of the peace may receive and consider an Application application for a warrant under this section without notice to notice and in the absence of the owner or the occupier of the land.

(6) An inspector shall provide a receipt for any document Receipt or thing removed under this section and if possible shall make copies of the documents and return the originals to the person from whom they were taken.

(7) Copies of documents and things removed under this Copies section and certified as being true copies of the originals by the person who made them are admissible in evidence to the

same extent as the originals.

23.—(1) The chief building official may review and amend Review or rescind an order made by an inspector.

(2) A chief building official may exercise any of the powers or perform any of the duties of an inspector.

official may inspector

Building Code Commission continued **24.**—(1) The Building Code Commission is continued and shall be composed of those persons appointed by the Lieutenant Governor in Council.

Chairperson

(2) The Lieutenant Governor in Council may designate one of the members as chairperson and one or more of the members as vice-chairpersons.

Eligibility

(3) No member of the Commission shall be in the public service of Ontario or an employee of a municipality.

Remuneration

(4) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Quorum

(5) Three members of the Commission constitute a quorum.

Disputes

- **25.**—(1) If there is a dispute between an applicant for a permit or holder of a permit or a person to whom an order is given and the chief building official or an inspector, any party to the dispute may apply to the Building Code Commission for the resolution of any issue involving,
  - (a) the interpretation of the technical requirements of the building code; or
  - (b) the authorization of a material, technique or system under section 9.

Hearing

(2) The Building Code Commission shall hold a hearing and shall notify the parties to the dispute of the hearing.

Powers of Commission

(3) The Building Code Commission shall by order determine the dispute and for such purposes may substitute its opinion for that of the inspector or chief building official.

Decision final

(4) The decision of the Building Code Commission is final.

Restrictions on members

- (5) Members of the Building Code Commission holding a hearing shall not,
  - (a) take part before the hearing in any investigation or consideration of the subject-matter of the hearing; or
  - (b) communicate directly or indirectly in relation to the subject-matter of the hearing with any person unless all parties are given notice and allowed to participate.

(6) Despite subsection (5), members of the Building Code Independent Commission may seek independent legal or technical advice but the advice shall be made known to the parties in order that they may make submissions.

(7) The findings of fact at a hearing shall be based exclu- Evidence sively on evidence admissible or matters that may be noticed under sections 15 and 16 of the Statutory Powers Procedure R.S.O. 1980, Act.

(8) Members of the Building Code Commission shall not Participation participate in a decision of the Commission pursuant to a hearing unless they were present throughout the hearing.

requirement

(9) Except with the consent of the parties, no decision of Idem the Building Code Commission shall be given unless all members present throughout the hearing participate in the decision.

(10) Documents and things put in evidence at the hearing Release of shall, upon the request of the person who produced them, be evidence released by the Building Code Commission to that person within a reasonable time after the matter in issue has been finally determined.

**26.**—(1) Any person who objects to an order or decision Appeal made by an inspector or chief building official under this Act or the building code may, within twenty days after the order or decision is made, appeal to a judge of the district court.

(2) A judge to whom an appeal is made may, upon such Extension of terms as the judge considers appropriate, extend the time for making the appeal before or after the time set out in subsection (1), if the judge is satisfied that there is reasonable grounds for the appeal and for applying for the extension.

(3) If an appeal is made under this section in respect of a Effect of matter in which a question is pending before the Building Code Commission, the proceeding before the Commission is terminated.

appeal on proceeding before

(4) If an appeal is made under subsection (1), the judge shall hold a hearing and may confirm, modify or rescind the order or decision of the inspector or chief building official or substitute his or her opinion for that of the inspector or chief building official.

Powers of judge on hearing

(5) A judge may refer a question respecting the interpreta- Reference to tion of the technical requirements of the building code or the authorization of a material, technique or system under section

9 to the Building Code Commission for a hearing and report to the judge.

Procedure

(6) The procedure on the reference shall be the same as on an application under section 25.

Stay of order or decision

(7) Subject to subsection (8), an appeal under this section stays the order or decision appealed from.

Order may take effect despite appeal (8) Upon application without notice, a judge may order that the order or decision appealed from takes effect immediately if, in his or her opinion, such action is necessary for public safety and would not make the appeal meaningless.

Appeal to Divisional Court **27.**—(1) A party to the hearing before the district court judge may appeal from the decision to the Divisional Court.

Minister entitled to be heard (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court on appeal

- (3) An appeal under this section may be made on any question that is not a question of fact alone and the court may,
  - (a) confirm or alter the decision of the judge;
  - (b) direct the inspector or chief building official to do any act he or she is authorized to do under this Act;
  - (c) refer the matter back to the judge for reconsideration; or
  - (d) substitute its opinion for that of the inspector or chief building official or the judge.

Service

**28.**—(1) A notice or order required by this Act to be served may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to an agent of that person.

Idem

(2) If a notice or order is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given or an agent of that person establishes that through absence, accident, illness or other unintentional cause the notice was not received until a later date.

Building Materials Evaluation Commission continued **29.**—(1) The Building Materials Evaluation Commission is continued and shall be composed of those persons appointed by the Lieutenant Governor in Council.

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- (2) The Lieutenant Governor in Council may designate one Chairperson of the members as chairperson and one of the members as vice-chairperson.
- (3) The members of the Commission shall receive such Remuneration remuneration and expenses as the Lieutenant Governor in Council may determine.

(4) The Building Materials Evaluation Commission may,

Powers and

- (a) examine and research or cause examination and research into materials, techniques and building design for construction;
- (b) upon application therefor, authorize the use, subject to any conditions that may be set out, of any innovative material, technique or building design in respect of any building or part thereof; and
- (c) make recommendations to the Minister respecting changes in this Act or the building code.
- (5) The use of any innovative material, technique or design Innovative in the manner approved by the Commission shall be deemed not to be a contravention of the building code.

**30.**—(1) The Minister may make rulings approving the use of innovative materials, products, systems or services evaluated by a materials evaluation body designated in the building code.

Rulings of

- (2) The Minister may by order delegate the power to make Delegation rulings to the director.
- (3) A ruling is not a regulation within the meaning of the Ruling not Regulations Act.

regulation R.S.O. 1980. c. 446

(4) A ruling shall be published at least once in The Ontario Publication Gazette and made available, upon request, to members of the public.

of ruling

(5) A ruling of the Minister entitles a person to use the Application of ruling approved material, product, system or service in all of the province unless the ruling states otherwise.

(6) The use of an approved material, product, system or Approved service in the manner approved in the ruling shall be deemed not to be a contravention of the building code.

Conflicts

(7) In the event of a conflict between an authorization of the Building Materials Evaluation Commission and a ruling of the Minister, the ruling prevails.

Restrictions on Commission (8) If a materials evaluation body designated in the building code has examined or has expressed its intention to examine an innovative material, product, system or service, the Building Materials Evaluation Commission shall not exercise its power under subsection 29 (4) in respect of that material, product, system or service.

Inquiry

**31.**—(1) If it appears to the Minister that there is or may be a failure in construction or demolition standards or in the enforcement of this Act or the building code, the Minister may designate a person to conduct an inquiry into the failure.

Powers on inquiry R.S.O. 1980, c. 411 (2) The person conducting the inquiry has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act.

Immunity from action **32.**—(1) No action or other proceeding for damages shall be instituted against the director, the chief building official, an inspector, a member of the Building Code Commission or Building Materials Evaluation Commission, any person acting under the authority of the director, Building Code Commission or Building Materials Evaluation Commission or any person conducting an inquiry under section 31 for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of that duty.

Liability of Crown and municipality (2) Subsection (1) does not relieve the Crown, a municipal corporation, a county corporation or a board of health of liability in respect of a tort committed by their respective chief building official or inspectors to which they would otherwise be subject.

Plumbing

**33.**—(1) Despite any other provision of this Act, the council of a county and of one or more municipalities in the county may enter into an agreement for the enforcement by the county of the provisions of this Act and the building code related to plumbing in the municipalities and for charging the municipalities the whole or part of the cost.

Delegation to health unit

(2) If an agreement under subsection (1) is in effect, the county council may by agreement delegate its powers under subsection (1) to a board of health having jurisdiction in the municipalities that are parties to the agreement.

(3) A municipality that is not a party to an agreement Delegation under subsection (1) may enter into an agreement with the pality board of health having jurisdiction in the municipality for the enforcement of the provisions of this Act and the building code relating to plumbing.

by munici-

(4) The county council or the board of health may appoint Plumbing plumbing inspectors for the purpose of this section.

inspectors

(5) A plumbing inspector or, if there is more than one Powers inspector in the area of jurisdiction, the senior plumbing inspector has the same powers and duties in relation to plumbing as does the chief building official in respect of buildings other than the issuance of conditional permits.

(6) If plumbing inspectors have been appointed under this Responsisection, the chief building official and inspectors appointed under section 3 or 4 shall not exercise their powers under this Act in respect of plumbing.

(7) Subsections 3 (8) and 7 (2) apply with necessary modification of certain provisions assumed responsibility for plumbing under this section.

**34.**—(1) If on the date this Act comes into force, a county Transition, was carrying out plumbing inspections under the *Ontario* R.S.O. 1980, Water Resources Act in the municipalities that form part of the c. 361 county, the county shall enforce the provisions of this Act and the building code related to plumbing in all of the municipalities forming part of the county until the county council by bylaw determines otherwise whereupon section 3 applies.

(2) Subsections 33 (4) to (7) apply with necessary modifica- Idem tions to a county that has assumed responsibility for plumbing under this section.

(3) For the purpose of this section, "county" includes any Interpretation regional municipality that has been deemed to be a county for the purposes of section 45 of the Ontario Water Resources Act, as it read before the coming into force of this Act, by any general or special Act.

35.—(1) The Lieutenant Governor in Council may make Regulations regulations for the purpose of establishing a building code governing standards for the construction, maintenance and demolition of buildings, including,

designating structures which are to be defined as buildings under subsection 1 (1);

- 2. prescribing classes of buildings for the purposes of clause 7 (2) (g);
- 3. governing the manner of construction and types and quality of materials used therein;
- 4. setting out the approvals that must be obtained before a conditional permit may be issued;
- 5. governing the design of buildings and the use to which they may be put;
- 6. defining applicable law for the purposes of this Act and the building code;
- 7. determining which parts of the applicable law are to be verified by the chief building official before a permit is issued;
- 8. establishing conditions under which equivalent measures may be allowed under section 9;
- 9. determining a hazard for the purposes of section 10;
- adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;
- 11. providing for the testing and marking of pipes, fittings, fixtures and materials or classes thereof by organizations accredited for that purpose by the Standards Council of Canada and prohibiting the use in plumbing of pipes, fittings, fixtures and materials that are not marked as approved by those organizations;
- 12. requiring any part of the design, construction or demolition of a building to be under the field review of an architect as defined in the *Architects Act*, 1984 or a professional engineer as defined in the *Professional Engineers Act*, 1984;
- 13. allowing the review of plans and inspection of buildings and the powers of the chief building official and inspectors related thereto to be delegated to persons who meet the requirements set out in the building code and prescribing conditions under which such delegation may occur;

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- 14. designating organizations to test prefabricated building units to the standards prescribed by the building code and providing for the placing of their label on units that conform to the standards:
- 15. requiring the approval of an inspector in respect of any method, matter or thing;
- 16. requiring the posting on buildings or sites of construction or demolition of such documents or information as is prescribed;
- 17. requiring such documents, information, records, drawings or specifications as are prescribed to be kept on the site of construction or demolition;
- 18. requiring notice to be given to the chief building official or an inspector respecting any matter in the course of construction or demolition;
- 19. requiring notice to be given to the chief building official respecting the change in prescribed classes of use made of a building;
- 20. requiring the chief building official to transmit to the director such returns or reports as are prescribed;
- 21. prescribing conditions under which a building or any part of a building may be occupied;
- 22. exempting any building or class thereof from compliance with this Act and the regulations or any provision thereof:
- 23. prescribing the form of a warrant and the form in which the evidence upon oath will be taken under section 22;
- 24. requiring the alteration of any part of an existing building where construction in relation to the building affects that part;
- 25. requiring the payment of fees in respect of applications to the Building Materials Evaluation Commission and prescribing the amounts thereof;
- 26. designating materials evaluation bodies for the purposes of section 30;

- 27. establishing criteria to be followed by the Minister in respect of a ruling under section 30;
- 28. prescribing procedures of the Building Code Commission and the Building Materials Evaluation Commission;
- 29. prescribing the persons to whom notice shall be given of the issuance of a permit, the time for giving the notice and the class of buildings for which notice is required;
- 30. defining drainage system, venting system and water distribution system for the purposes of this Act and the building code;
- 31. establishing minimum standards of repair that existing buildings must meet even though no construction is proposed;
- 32. prescribing forms and providing for their use or requiring that forms provided by the Minister be used.

Limitation of application

(2) Any regulation made under this section may be limited in its application territorially or to any class of building, construction, maintenance or demolition.

Municipal bylaws superseded **36.** This Act and the building code supersede all municipal by-laws respecting the construction or demolition of buildings.

Offences

- **37.**—(1) A person is guilty of an offence if the person,
  - (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
  - (b) fails to comply with an order, direction or other requirement made under this Act; or
  - (c) contravenes this Act or the regulations or a by-law passed under this Act.

Idem

(2) Every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention under subsection (1) is guilty of an offence.

Penalties

(3) A person who is convicted of an offence is liable,

- (a) for a first offence, to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both; and
- (b) for a subsequent offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or both.
- (4) If a corporation is convicted of an offence, the maxi- Corporations mum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence and not as provided in subsection (3).

(5) For the purposes of clause (3) (b) and subsection (4), Subsequent an offence is a subsequent offence if there has been a previous conviction under this Act.

(6) Every person who fails to comply with an order made Continuing by a chief building official under subsection 14 (1) or clause 15 (4) (a) is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (3) and (4), is liable to a fine of not more than \$10,000 per day for every day upon which the offence continues after the time given for complying with the order has expired.

(7) If this Act or the regulations are contravened and a Power to conviction is entered, in addition to any other penalty, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

(8) No proceeding under this section shall be commenced Limitation more than one year after the time when the subject-matter of the proceeding arose.

(9) If an offence under this section has been committed Fine paid to within a municipality, the proceeds of a fine imposed under this section shall be paid to the treasurer of the municipality within which the offence giving rise to the fine was committed, and section 4 of the Administration of Justice Act and sec- R.S.O. 1980. tion 4 of the Fines and Forfeitures Act do not apply in respect of the fine.

municipality

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(10) If an offence under this section has been committed Fine paid to within territory without municipal organization, the proceeds of a fine imposed for the offence shall be paid to the Treasurer of Ontario.

Proof of order

**38.**—(1) In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is, in the absence of evidence to the contrary, proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed.

Proof of matters of record

(2) A statement as to any matter of record in an office of the chief building official purporting to be certified by the chief building official is, without proof of the office or signature of the chief building official, receivable in evidence, in the absence of evidence to the contrary, as proof of the facts stated therein in any judicial proceeding.

Restraining order

**39.**—(1) Where it appears to a chief building official that a person does not comply with this Act, the regulations or an order made under this Act, despite the imposition of any penalty in respect of the non-compliance and in addition to any other rights he or she may have, the chief building official may apply to a judge of the High Court for an order directing that person to comply with the provision.

Idem

(2) Upon the application under subsection (1), the judge may make the order subject to such conditions as the judge thinks fit.

Appeal

(3) An appeal lies to the Divisional Court from an order made under subsection (1).

#### COMPLEMENTARY AMENDMENTS

- **40.**—(1) Clauses 1 (s) and (u) of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:
  - (s) "sewage works" means any works for the collection, transmission, treatment and disposal of sewage or any part of such works but does not include plumbing to which the *Building Code Act*, 1989 applies;

1989, c. ...

(u) "water works" means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of such works but does not include plumbing to which the *Building Code Act*, 1989 applies.

- (2) Section 2 of the said Act is repealed and the following substituted therefor:
- 2. The Minister of the Environment is responsible for the Adminisadministration of this Act.
- (3) Subsection 44 (2) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 35 and 1988, chapter 54, section 76, is repealed.
- (4) Subsection 44 (4) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 35 and 1988, chapter 54, section 88, is repealed.
  - (5) Sections 45, 46, 47 and 48 of the said Act are repealed.
- (6) Subsection 66 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 41, is amended by striking out "44 (4) or " in the second line.
- (7) Subsection 67 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 41, is amended by striking out "44 (4) or" in the second line.
- (8) Clause 69 (a) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 54, section 85, is repealed and the following substituted therefor:
  - (a) this Act.
- **41.** Section 210c of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 5, section 1, is repealed.
- **42.** Section 52 of the Regional Municipality of Haldimand-Norfolk Act, being chapter 435 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 11, is repealed and the following substituted therefor:
- **52.** Any costs incurred by the Regional Corporation under Costs clause 15 (4) (b) of the Building Code Act, 1989 or determined by a judge to be recoverable under subsection 18 (9) of that Act may be charged to the area municipality in which the building is located and the area municipality shall collect the costs in the manner set out in subsections 15 (9) and 18 (11) of that Act and pay them to the Regional Corporation when collected.

**43.** Subsection 27 (4) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 5, is repealed and the following substituted therefor:

Costs recovered 1989, c. ... (4) Any costs incurred by the Regional Corporation under clause 15 (4) (b) of the *Building Code Act*, 1989 or determined by a judge to be recoverable under subsection 18 (9) of that Act may be charged to the area municipality in which the building is located and the area municipality shall collect the costs in the manner set out in subsections 15 (9) and 18 (11) of that Act and pay them to the Regional Corporation when collected.

Repeal

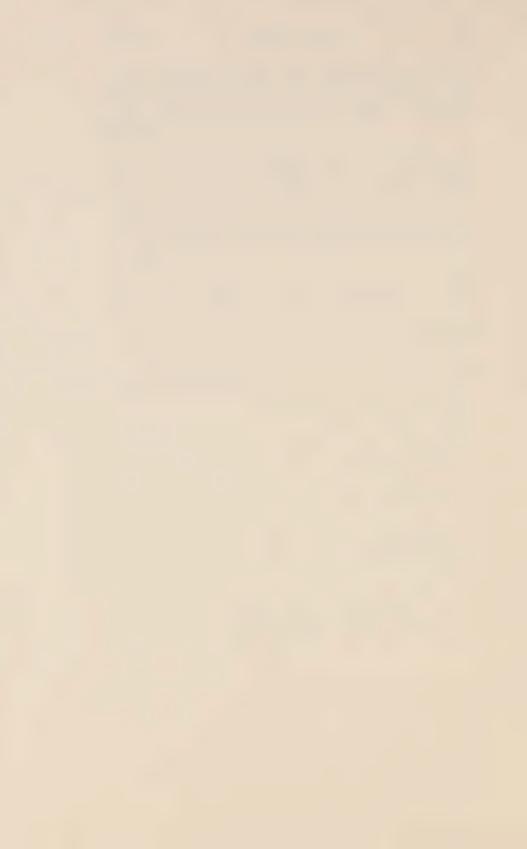
**44.** The *Building Code Act*, being chapter 51 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement **45.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**46.** The short title of this Act is the *Building Code Act*, 1989.





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2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

# Bill 104

## An Act to amend the Mining Tax Act

The Hon. R. Mancini Minister of Revenue



1st Reading

December 20th, 1989

2nd Reading 3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The Bill implements the proposal in the Treasurer's Budget of May 17, 1989 to require all mine operators to make monthly mining tax instalments. It also makes several administrative changes.

- **SECTION 1.** The re-enactment of section 2 of the Act requires operators to make monthly instalment payments on account of the current year's mining tax instead of paying the full tax after the end of the year. The amount of each instalment is based on either the current year's tax or the tax payable for the preceding year. Instalments are due by the 25th day of each calendar month commencing in the operator's taxation year.
- **SECTION 2.—Subsection 1.** The amendments impose interest on late or deficient mining tax instalments and continue to impose interest after the end of the taxation year on any unpaid balance of tax.
- **Subsection 2.** The enactment of subsections 8 (6a) to (6d) of the Act permits the Minister to refund excess instalment payments and to pay interest where the instalments paid exceed the tax liability of the operator for the taxation year. Technical rules are included for the calculation of interest on instalments where the amount of tax on which the instalments are based is subsequently changed on assessment.
- **SECTION 3.** The re-enactment of subsections 14 (1) and (2) of the Act brings the provisions governing confidentiality of taxpayer information into line with the current provisions of other taxing statutes administered by the Minister of Revenue. The maximum court fine on conviction of the offence of breaching the confidentiality provisions is increased from \$200 to \$2,000.
- **SECTION 4.** The re-enactment of subsection 18 (2) reinstates a \$50 per day administrative penalty formerly assessed under the Act for failing to file an annual tax return under the Act. The present administrative penalty is 10 per cent of unpaid tax for the year (if any remains unpaid on the date the return is to be filed) up to a maximum penalty of \$1,000. If no tax is payable for the year or the operator has already paid the full tax for the year through monthly instalments, the amount of the penalty imposed on the operator for failing to file the annual return is nil under the current Act. After the proposed amendment, the penalty will be the greater of the present penalty or \$50 per day.

**Bill 104** 1989

### An Act to amend the Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 2 of the *Mining Tax Act*, being chapter 269 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 2, is repealed and the following substituted therefor:
- **2.**—(1) The tax payable under this Act by an operator for When taxes a taxation year shall be deemed to accrue proportionately during the taxation year.

(2) Every operator liable to pay tax under this Act for a taxation year shall pay the tax by monthly instalments during the taxation year with the balance of the tax, if any, payable not later than two months after the end of the taxation year.

Payment of

(3) The amount of each monthly instalment payable under Amount of this section for the taxation year is the lesser of,

- (a) the amount of tax payable by the operator for the taxation year divided by the number of months commencing in the taxation year; or
- (b) the amount of tax payable by the operator for the taxation year ending immediately before the taxation year for which the instalment is being calculated, divided by the number of months commencing in that immediately preceding taxation year.
- (4) If the taxation year of an operator is the first taxation Instalments year after an amalgamation within the meaning of section 87 after amalgamation of the Income Tax Act (Canada), the amount of each monthly R.S.C. 1952, instalment payable under this section for the taxation year is c. 148 the lesser of,

(a) the amount determined under clause (3) (a); or

R.S.C. 1952, c. 148 (b) the aggregate of all amounts each of which is the amount of tax payable by a predecessor corporation of the operator, within the meaning of section 87 of the *Income Tax Act* (Canada), for its last taxation year divided by the number of months commencing in the year.

Payment of instalments

- (5) Instalment payments under this section shall be paid to the Treasurer on or before the 25th day of each month commencing in the taxation year by remitting the payments to the Minister.
- 2.—(1) Subsection 8 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 8, is repealed and the following substituted therefor:

Interest on unpaid tax

(2) An operator is liable to pay interest at the prescribed rate on the amount, if any, by which the amount of tax payable by the operator for a taxation year exceeds the amount paid on account of the tax payable, from the day that is two months after the end of the taxation year until the day the tax payable is fully paid.

Interest on deficient instalments

(2a) If an operator fails to pay a monthly instalment as required under section 2, interest at the prescribed rate is payable by the operator, in addition to any interest payable under subsection (2), on the difference between the amount of the monthly instalment required to be paid under section 2 and the amount, if any, of the monthly instalment paid by the operator, from the day the monthly instalment was required to be paid to the earlier of the day the instalment is fully paid or the day which is two months after the end of the taxation year.

Date of payment

- (2b) A payment made on account of tax payable under this Act shall be deemed to have been made on the day the payment is received by the Minister.
- (2) Section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 8, is amended by adding thereto the following subsections:

Refund of overpaid instalments

(6a) If the Minister is satisfied, after receiving written application from an operator for a refund under this subsection and before assessing tax payable by the operator for a taxation year, that the total amount of monthly instalments paid by the operator in respect of the taxation year exceeds the amount of tax that is or will be payable by the operator for the taxation year, the Minister may refund the excess amount to the operator before the end of the taxation year.

(6b) Interest at the prescribed rate is payable to the opera- Interest tor on the amount, if any, by which the total of the monthly instalments paid for a toyetian versal decrease allowed on overpaid instalments paid for a taxation year exceeds the total amount instalments of monthly instalments required by section 2 to have been paid on or before that time by the operator in respect of the taxation year, from the day on which the excess payment arose until the earlier of.

MINING TAX

- (a) the day the excess is refunded, or applied under this section on other liability; or
- (b) the day that is two months after the end of the taxation year.
- (6c) For the purposes of determining the amount of interest Idem payable by or to an operator under subsection (2a) or (6b) with respect to the amount of a monthly instalment required to be paid by the operator for a taxation year, the amount of the monthly instalment required under section 2 shall be deemed to be the amount that would be determined under section 2 if the amounts of tax payable by the operator for the taxation year and for the immediately preceding taxation year were the amounts of tax for those taxation years as originally assessed by the Minister and for which notices of assessment were issued by the Minister, despite any subsequent assessment.

- (6d) Subsection (6c) does not apply in determining the Idem amount of interest payable by an operator under subsection (2a) with respect to the amount of a monthly instalment required under section 2 if,
  - (a) the operator has failed to deliver the return required under subsection 7 (1) for the taxation year for which the instalment was payable; and
  - (b) the amount of tax payable for the taxation year as originally assessed by the Minister is less than the amount of tax subsequently assessed for the taxation year.
- 3. Subsections 14 (1) and (2) of the said Act are repealed and the following substituted therefor:
- (1) Every person employed directly or indirectly in the Confidenadministration or enforcement of this Act or in the development and evaluation of tax policy for the Government of Ontario shall preserve secrecy with respect to all matters related to this Act that come to his or her knowledge in the

course of such employment and shall not communicate any information or material related to any such matter to any other person not legally entitled thereto except,

- (a) as may be required in connection with the administration or enforcement of this Act or any other Act administered by the Minister or the regulations under any of them;
- (b) as may be required in connection with the development and evaluation of tax policy by the Government of Ontario or the Government of Canada;
- (c) to counsel for the person required by this section to preserve secrecy; or
- (d) with the consent of the person to whom the information or material relates.

Offence

- (2) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.
- 4. Subsection 18 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 15, is repealed and the following substituted therefor:

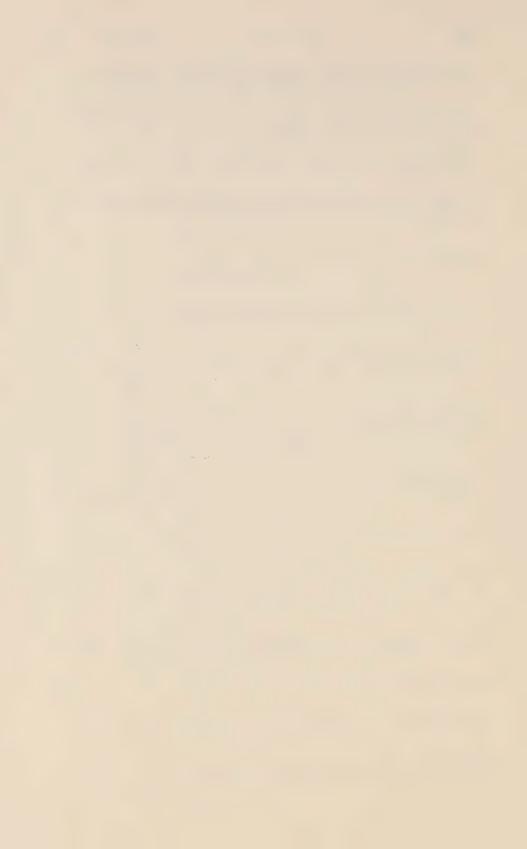
Penalty for failure to

- (2) Every operator who fails to deliver a return as and deliver return when required by section 7 shall pay, when assessed therefor, a penalty equal to the greater of,
  - (a) \$50 for each day during which the operator fails to deliver the return; or
  - (b) an amount equal to the lesser of \$1,000 or 10 per cent of the tax that was unpaid when the return was required to be delivered.

Application

- 5. The following provisions apply in respect of taxation years commencing after the 17th day of May, 1989:
  - 1. Section 2 of the said Act, as re-enacted by section 1.
  - Subsection 8 (2) of the said Act, as re-enacted by 2. subsection 2 (1).
  - 3. Subsections 8 (2a) and (2b) of the said Act, as enacted by subsection 2 (1).

- 4. Subsections 8 (6a), (6b), (6c) and (6d) of the said Act, as enacted by subsection 2 (2).
- **6.**—(1) This Act, except sections 1 and 2, comes into force Commencement on the day it receives Royal Assent.
- (2) Sections 1 and 2 shall be deemed to have come into force Idem on the 18th day of May, 1989.
- 7. The short title of this Act is the Mining Tax Amendment Short title Act, 1989.



## Bill 104

(Chapter 3 Statutes of Ontario, 1990)

An Act to amend the Mining Tax Act

Sept 1 100

The Hon. R. Mancini *Minister of Revenue* 

1st Reading December 20th, 1989

2nd Reading June 4th, 1990 3rd Reading June 18th, 1990

Royal Assent June 21st, 1990



**Bill 104** 1989

## An Act to amend the Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 2 of the Mining Tax Act, being chapter 269 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 2, is repealed and the following substituted therefor:
- **2.**—(1) The tax payable under this Act by an operator for When taxes a taxation year shall be deemed to accrue proportionately during the taxation year.
- (2) Every operator liable to pay tax under this Act for a Payment of taxation year shall pay the tax by monthly instalments during the taxation year with the balance of the tax, if any, payable not later than two months after the end of the taxation year.

(3) The amount of each monthly instalment payable under Amount of this section for the taxation year is the lesser of,

- the amount of tax payable by the operator for the taxation year divided by the number of months commencing in the taxation year; or
- (b) the amount of tax payable by the operator for the taxation year ending immediately before the taxation year for which the instalment is being calculated, divided by the number of months commencing in that immediately preceding taxation year.
- (4) If the taxation year of an operator is the first taxation Instalments vear after an amalgamation within the meaning of section 87 mation of the Income Tax Act (Canada), the amount of each monthly R.S.C. 1952. instalment payable under this section for the taxation year is the lesser of,

after amalga-

(a) the amount determined under clause (3) (a); or

R.S.C. 1952, c. 148 (b) the aggregate of all amounts each of which is the amount of tax payable by a predecessor corporation of the operator, within the meaning of section 87 of the *Income Tax Act* (Canada), for its last taxation year divided by the number of months commencing in the year.

Payment of instalments

- (5) Instalment payments under this section shall be paid to the Treasurer on or before the 25th day of each month commencing in the taxation year by remitting the payments to the Minister.
- 2.—(1) Subsection 8 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 8, is repealed and the following substituted therefor:

Interest on unpaid tax (2) An operator is liable to pay interest at the prescribed rate on the amount, if any, by which the amount of tax payable by the operator for a taxation year exceeds the amount paid on account of the tax payable, from the day that is two months after the end of the taxation year until the day the tax payable is fully paid.

Interest on deficient instalments

(2a) If an operator fails to pay a monthly instalment as required under section 2, interest at the prescribed rate is payable by the operator, in addition to any interest payable under subsection (2), on the difference between the amount of the monthly instalment required to be paid under section 2 and the amount, if any, of the monthly instalment paid by the operator, from the day the monthly instalment was required to be paid to the earlier of the day the instalment is fully paid or the day which is two months after the end of the taxation year.

Date of payment

- (2b) A payment made on account of tax payable under this Act shall be deemed to have been made on the day the payment is received by the Minister.
- (2) Section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 8, is amended by adding thereto the following subsections:

Refund of overpaid instalments

(6a) If the Minister is satisfied, after receiving written application from an operator for a refund under this subsection and before assessing tax payable by the operator for a taxation year, that the total amount of monthly instalments paid by the operator in respect of the taxation year exceeds the amount of tax that is or will be payable by the operator for the taxation year, the Minister may refund the excess amount to the operator before the end of the taxation year.

(6b) Interest at the prescribed rate is payable to the opera- Interest tor on the amount, if any, by which the total of the monthly overpaid instalments paid for a taxation year exceeds the total amount instalments of monthly instalments required by section 2 to have been paid on or before that time by the operator in respect of the taxation year, from the day on which the excess payment arose until the earlier of.

- (a) the day the excess is refunded, or applied under this section on other liability; or
- (b) the day that is two months after the end of the taxation year.
- (6c) For the purposes of determining the amount of interest Idem payable by or to an operator under subsection (2a) or (6b) with respect to the amount of a monthly instalment required to be paid by the operator for a taxation year, the amount of the monthly instalment required under section 2 shall be deemed to be the amount that would be determined under section 2 if the amounts of tax payable by the operator for the taxation year and for the immediately preceding taxation year were the amounts of tax for those taxation years as originally assessed by the Minister and for which notices of assessment were issued by the Minister, despite any subsequent assessment.

(6d) Subsection (6c) does not apply in determining the Idem amount of interest payable by an operator under subsection (2a) with respect to the amount of a monthly instalment required under section 2 if,

- (a) the operator has failed to deliver the return required under subsection 7 (1) for the taxation year for which the instalment was payable; and
- (b) the amount of tax payable for the taxation year as originally assessed by the Minister is less than the amount of tax subsequently assessed for the taxation year.
- 3. Subsections 14 (1) and (2) of the said Act are repealed and the following substituted therefor:
- (1) Every person employed directly or indirectly in the Confidenadministration or enforcement of this Act or in the development and evaluation of tax policy for the Government of Ontario shall preserve secrecy with respect to all matters related to this Act that come to his or her knowledge in the

course of such employment and shall not communicate any information or material related to any such matter to any other person not legally entitled thereto except,

- (a) as may be required in connection with the administration or enforcement of this Act or any other Act administered by the Minister or the regulations under any of them;
- (b) as may be required in connection with the development and evaluation of tax policy by the Government of Ontario or the Government of Canada;
- (c) to counsel for the person required by this section to preserve secrecy; or
- (d) with the consent of the person to whom the information or material relates.

Offence

- (2) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.
- **4.** Subsection 18 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 15, is repealed and the following substituted therefor:

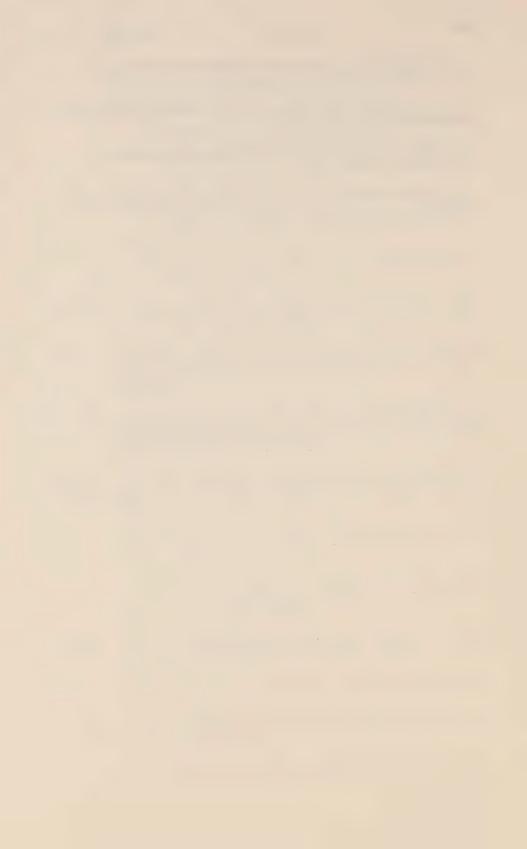
Penalty for failure to deliver return

- (2) Every operator who fails to deliver a return as and when required by section 7 shall pay, when assessed therefor, a penalty equal to the greater of,
  - (a) \$50 for each day during which the operator fails to deliver the return; or
  - (b) an amount equal to the lesser of \$1,000 or 10 per cent of the tax that was unpaid when the return was required to be delivered.

Application

- 5. The following provisions apply in respect of taxation years commencing after the 17th day of May, 1989:
  - 1. Section 2 of the said Act, as re-enacted by section 1.
  - 2. Subsection 8 (2) of the said Act, as re-enacted by subsection 2 (1).
  - 3. Subsections 8 (2a) and (2b) of the said Act, as enacted by subsection 2 (1).

- 4. Subsections 8 (6a), (6b), (6c) and (6d) of the said Act, as enacted by subsection 2 (2).
- **6.**—(1) This Act, except sections 1 and 2, comes into force Commencement on the day it receives Royal Assent.
- (2) Sections 1 and 2 shall be deemed to have come into force Idem on the 18th day of May, 1989.
- 7. The short title of this Act is the Mining Tax Amendment Short title Act, 1990.



38 ELIZABETH II, 1989

# Bill 105

## An Act to amend the Ontario Home Ownership Savings Plan Act, 1988

The Hon. R. Mancini
Minister of Revenue



1st Reading

December 20th, 1989

2nd Reading

3rd Reading

Royal Assent

#### **EXPLANATORY NOTES**

The purpose of the Bill is to implement the Treasurer's May 17, 1989 Budget proposals relating to the Ontario Home Ownership Savings Plan Program and to make minor administrative changes.

SECTION 1.—Subsections 1 and 2. The amendments clarify the wording of the existing definitions.

Subsections 3 and 4. The amendments expand the definition of an eligible home under the Act to include a partial ownership interest of a multi-unit residential property, as a tenant in common with other owners, if the ownership interest carries the right of the individual to inhabit one of the housing units on the property.

**Subsection 5.** New subsections 1 (4) and (5) set out the date on which a person will be considered to have acquired an ownership interest in an eligible home when the person acquires the home by gift or inheritance.

**Subsection 6**. The enactment of subsections 1 (6) and (7) is to prevent abuse under the Act by permitting the Minister to exercise his or her discretion to deem a person to own an eligible home when the home is held in trust for the person and the Minister is satisfied that the person is exercising effective control over the home.

**SECTION 2.—Subsection 1.** The re-enactment of paragraph 2 of section 2 is consequential upon the amendments to the Act which will permit the withdrawal of the assets of the plan in certain circumstances without repayment of the tax credits.

**Subsection 2.** The amendments and the amendments in section 3 of the Bill implement the Treasurer's Budget proposal to permit participation in the Program in 1989 and subsequent years of persons whose spouses previously owned a home, as long as the home was not owned during the marriage.

**SECTION 3.** See the explanatory note for subsection 2 (2), above.

**SECTION 4.** The amendments implement the Treasurer's Budget proposal to remove the liquidity restrictions on qualified investments which may be held by Ontario home ownership savings plans.

**SECTION 5.—Subsection 1.** The amendment is consequential upon the expansion of the definition of "eligible home" in section 1 of the Bill.

Subsection 2. The amendments implement the Treasurer's Budget proposals,

- (a) to permit the termination of an Ontario home ownership savings plan without a recovery of any tax credits, if the planholder obtains an eligible home either by way of a gift or inheritance, or marries a person who already owns an eligible home; and
- (b) to permit the early release of plan assets prior to completion of the purchase of an eligible home which is under construction, if interim payments to the builder of the home are required under the terms of the agreement of purchase and sale.

**Subsection 3**. The amendment to subsection 5 (6) is consequential upon the amendments made in subsection 2 of the Bill.

**Subsection 4.** The enactment of subsection 5 (8) will provide that where the assets of an Ontario home ownership savings plan are released before the completion of construction of the eligible home and the home is not completed, or completion is delayed, for reasons beyond the control of the planholder, the planholder will have an extension of time

under the Act in which to meet the requirements in the Act of purchasing and residing in an eligible home.

**SECTION 6.—Subsection 1.** The addition of subsection 9 (la) confirms that no tax credits will be repayable by a planholder who terminates a plan because he or she has either inherited a home, received a home as a gift or has married a person who already owned a home.

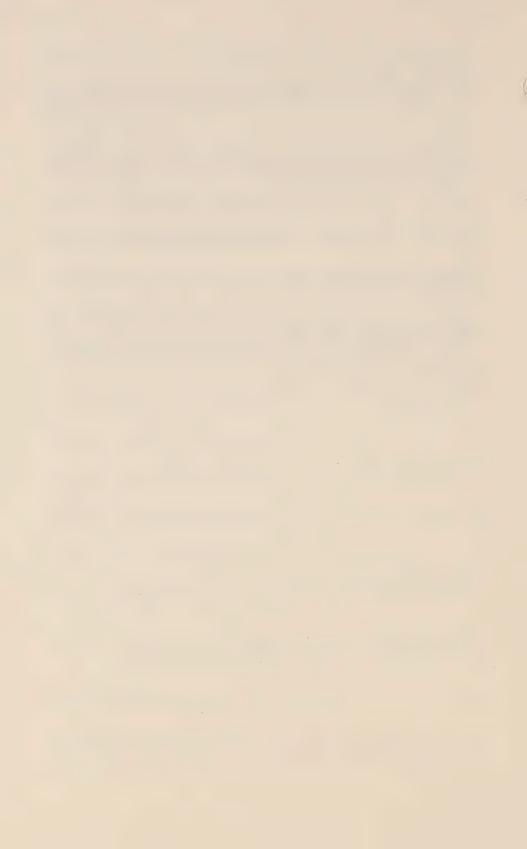
**Subsection 2**. The amendment to clause 9 (2) (b) is consequential upon the amendment in subsection 1 of the Bill and will permit a depositary, when authorized by the Minister, to pay out the assets of a plan to the planholder on termination of the plan without withholding an amount under section 9.

**SECTION 7.** The amendments are consequential upon amendments to section 3 of the Act.

**SECTION 8.** The amendments are consequential upon amendments to sections 3 and 5 of the Act.

SECTION 9. The amendment clarifies the time limitation for prosecutions of offences committed under the Act.

**SECTION 10.** The amendment to the *Succession Law Reform Act* will permit the designation of a beneficiary to receive the assets of an Ontario home ownership savings plan on the death of the planholder by means of a signed statement, in the same manner currently permitted for registered pension plans, registered retirement savings plans and similar plans. In default of this amendment, the planholder would be able to appoint a beneficiary of the plan only by means of a will.



Bill 105 1989

# An Act to amend the Ontario Home Ownership Savings Plan Act, 1988

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The definition of "depositary" in subsection 1 (1) of the *Ontario Home Ownership Savings Plan Act*, 1988, being chapter 35, is repealed and the following substituted therefor:
- "depositary" means either the Province of Ontario Savings Office or a financial institution that carries on business in Ontario and is a member of either the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation.
- (2) The definition of "qualifying contribution" in subsection 1 (1) of the said Act is repealed and the following substituted therefor:
- "qualifying contribution" means a contribution that is a qualifying contribution under section 3.
- (3) Subsection 1 (2) of the said Act is amended by striking out "or" at the end of clause (g) and by adding thereto the following clause:
  - (ga) a partial ownership interest as a tenant in common of real property, if the ownership interest was acquired for the purpose of acquiring the right to inhabit a housing unit forming part of the real property; or
- (4) Subsection 1 (3) of the said Act is amended by striking out "and" at the end of clause (d) and by adding thereto the following clause:

(da) in the case of an eligible home referred to in clause (2) (ga), the individual has acquired a freehold estate in the real property, other than as a mortgagee, and is entitled to vacant possession of the housing unit referred to in clause (2) (ga); and

(5) Section 1 of the said Act is amended by adding thereto the following subsections:

Gift or inheritance

(4) A person who acquires an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest shall be deemed to own the eligible home for the purposes of this Act on the earliest date on or after the date of the gift or the death on which the person resides in the eligible home, is entitled to possession of the eligible home or acquires the ownership interest in the eligible home.

Application of subs. (4)

- (5) Subsection (4) does not apply in respect of an ownership interest acquired under the terms of an agreement enforceable by or against the person legally or beneficially entitled to the interest immediately following the death of the owner of the interest.
- (6) The said section 1 is further amended by adding thereto the following subsections:

Deemed owner of eligible home (6) For the purposes of this Act, the Minister may deem an individual to have owned an eligible home at a particular time if ownership was at that time vested in a person under the terms of an express or implied trust by which the person held the property for the benefit of the individual, either alone or with one or more other persons, and the Minister is of the opinion that the individual exercised effective control, either alone or with one or more other persons, over the eligible home.

Ownership

- (7) For the purposes of subsection (6), "ownership" means the ownership of the eligible home, the ownership of the land subjacent to the eligible home or a leasehold interest in the land subjacent to the eligible home.
- 2.—(1) Paragraph 2 of section 2 of the said Act is repealed and the following substituted therefor:
  - 2. The terms of the plan require the depositary to withhold and remit to the Minister any amount required under section 9 on any payment of assets

of the plan to the planholder or to the legal personal representative of the planholder on the death of the planholder.

### (2) Paragraphs 9 and 10 of the said section 2 are repealed and the following substituted therefor:

- In the case of a plan entered into by a planholder and a depositary before the 1st day of January, 1989, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time an eligible home anywhere in the world.
- 9a. In the case of a plan entered into by the planholder and a depositary after the 31st day of December, 1988, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time during the marriage an eligible home anywhere in the world.
- 10. The terms of the plan prohibit any amendment to the terms of the plan,
  - i. that would result in the terms of the plan as amended failing to comply with this Act,
  - ii. that would permit or require any person to do anything contrary to this Act, or
  - iii. that would prevent or prohibit any person from doing anything required by this Act to be done.

### **3.**—(1) Subsection 3 (3) of the said Act is repealed and the following substituted therefor:

(3) No contribution to an Ontario home ownership savings Idem plan is a qualifying contribution for the purposes of this Act and the *Income Tax Act* if,

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(a) the planholder has received, or has been deemed by this Act to have received, any assets of the plan or the benefit or use of any of the assets of the plan during the year in which the contribution is made, except by way of a release of the assets of the plan

under section 5 for the purpose of the acquisition by the planholder of a qualifying eligible home;

- (b) the contribution is made at a time when the planholder or a spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, is the owner of an eligible home or is a partner in a partnership that owns property that would be an eligible home of the partner if the property was owned by the partner;
- at any time before the contribution is made, the (c) planholder owned an interest in an eligible home;
- (d) the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, owns or owned at any time an eligible home unless.
  - (i) in the case of a contribution made to a plan before the 1st day of January, 1989, the contribution was made to the plan before the planholder married the spouse and either,
    - (A) the spouse owned no interest in an eligible home at the time of the marriage and the only interest in an eligible home the spouse may have acquired after the marriage was an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
    - (B) the marriage occurred after the date on which the planholder acquired an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
  - (ii) in the case of a contribution made to a plan after the 31st day of December, 1988, the spouse has not owned, at any time during marriage to the planholder, an interest in an eligible home, other than an interest in an eligible home acquired during the marriage in respect of which the assets of the planholder's plan were released under section 5; or

- (e) the planholder does not reside in Ontario at the end of the taxation year in which the contribution is made.
- (2) Subsection 3 (4) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 73, section 10, is repealed.
- **4.**—(1) Subsection 4 (1) of the said Act is repealed and the following substituted therefor:
- (1) A depositary of an Ontario home ownership savings plan shall hold all assets of the plan only in qualified invest-investments ments and, at the option of the planholder of the plan, shall hold part or all of such assets in qualified investments that are repayable on demand.

- (2) Clause 4 (2) (b) of the said Act is repealed and the following substituted therefor:
  - (b) a deposit that is with a branch of the Province of Ontario Savings Office or that is insured by the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation; or
- 5.—(1) Clause 5 (4) (a) of the said Act is repealed and the following substituted therefor:
  - (a) the eligible home is located in Ontario and is suitable for use as a year-round dwelling place or, in the case of an eligible home that is in the form of a share or shares in the capital stock of a co-operative corporation or is described in clause 1 (2) (ga), the housing unit is located in Ontario and is suitable for use as a year-round dwelling place.
- (2) Subsection 5 (5) of the said Act is repealed and the following substituted therefor:
- (5) Where the assets of the plan have not been released Minister's under subsection (1), the Minister may, in the circumstances discretion to release described in subsection (5a),

- (a) consent to the release of the assets of the plan by the depositary to the planholder;
- (b) direct that on the release of the assets of the plan, no amount, or an amount not in excess of the

amount that would otherwise be deducted, withheld and remitted to the Minister by the depositary of the plan under subsection 9 (2) shall be remitted to the Minister; and

(c) impose such conditions on the release as the Minister in his or her discretion, considers necessary to ensure compliance with this Act and the regulations.

When Minister's discretion may be exercised

- (5a) The Minister may exercise his or her discretion under subsection (5) if the Minister is satisfied that,
  - (a) the planholder has purchased property that is or that will become a qualifying eligible home under subsection (4);
  - (b) the planholder has entered into an agreement to purchase a proposed condominium unit that will become a qualifying eligible home and is required under the agreement to take possession of or occupy the proposed condominium unit before a deed or transfer of the unit acceptable for registration is delivered to the planholder;
  - (c) the planholder has entered into an agreement to purchase an eligible home, the construction of which has not yet been completed, and the Minister is satisfied that the planholder is required under the terms of the agreement to make interim payments to the builder or developer of the eligible home before completion of the purchase thereof;
  - (d) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder has entered into an Ontario home ownership savings plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest; or
  - (e) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.

- (3) Subsection 5 (6) of the said Act is amended by striking out "clause (5) (c)" in the second line and inserting in lieu thereof "subsection (5)".
- (4) Section 5 of the said Act is amended by adding thereto the following subsection:
- (8) Where the assets of an Ontario home ownership savings Eligible plan have been released under subsection (5) to a planholder home under construction referred to in clause (5a)(c) or to a planholder who owns property that will contain a qualifying eligible property following completion of construction thereon of an eligible home, the following rules apply:

- 1. The planholder shall be deemed to have acquired ownership of the eligible home on the date the assets of the plan were released, whether or not construction of the eligible home was completed.
- 2. If construction of the eligible home has been delayed and, as a result, the planholder has failed to acquire a qualifying eligible home within a time limit imposed by this Act, the planholder shall not be considered, for the purposes of subsection 12 (1), to have used the assets of the plan for a purpose other than the purchase of a qualifying eligible home, if the Minister is satisfied that,
  - i. any failure to inhabit the eligible home for at least thirty days within two years of the date the assets of the plan were released was due to the delay in the construction of the eligible home.
  - ii. the delay in the construction was for a prescribed reason that was beyond the control of the planholder and of anyone not dealing at arm's length with the planholder within the meaning of section 25l of the Income Tax Act R.S.C. 1952, (Canada), and

- iii. the planholder has acquired, within four years of the date the assets of the plan were released, an eligible home that is a qualifying eligible home within the meaning of subsection (4).
- 6.—(1) Section 9 of the said Act is amended by adding thereto the following subsection:

Exception

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- (la) No amount is payable under subsection (l) with respect to tax credits allowed to the planholder or to his or her spouse or former spouse under the *Income Tax Act* in respect of qualifying contributions made by the planholder to his or her Ontario home ownership savings plan if the planholder has otherwise complied with this Act and the regulations but is terminating his or her plan for the reason that,
  - (a) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder entered into the plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest; or
  - (b) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.
- (2) Clause 9 (2) (b) of the said Act is amended by inserting after "be" in the tenth line "unless the depositary is in receipt of written authorization from the Ministry of Revenue advising the depositary that it is relieved of its obligation under this subsection to deduct, withhold and remit the amount".
- 7.—(1) Clause 10 (1) (b) of the said Act is amended by striking out "clause 3 (3) (a), (b) or (d)" in the third line and inserting in lieu thereof "subsection 3 (3)".
- (2) Subsection 10 (1) of the said Act is amended by adding "or" at the end of clause (c) and by repealing clause (d).
- **8.** Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

Tax credit recovery after release of assets of plan

- (1) The Minister may serve on the former planholder of an Ontario home ownership savings plan, by ordinary mail to his or her last address known to the Minister or by personal service, a notice of determination of tax credit recovery and interest, together with written reasons therefor, after the assets of the plan have been released by the depositary, if the Minister is of the opinion that,
  - (a) the Ontario home ownership savings plan failed to comply with the requirements of section 2;

- (b) a contribution made to the Ontario home ownership savings plan was not a qualifying contribution by reason of subsection 3 (3);
- (c) the planholder owned an interest in an eligible home at any time before the date of release of the assets of the plan, other than an eligible home in respect of which the assets of the plan were released under section 5: or
- (d) the assets of the plan, after release by the depositary (other than in the circumstances described in clause 5 (5a) (d) or (e)), were used for a purpose other than the acquisition of an eligible home that became a qualifying eligible home under subsection 5 (4).
- 9. Section 18 of the said Act is amended by striking out the first three lines and inserting in lieu thereof "Proceedings to enforce any provision of this Act or the regulations with respect to a home ownership savings plan may be commenced and any information in respect of any offence under this Act or the regulations with respect to a home ownership savings plan may be laid not later than six years after".

### COMPLEMENTARY AMENDMENT

- 10. Section 50 of the Succession Law Reform Act, being chapter 488 of the Revised Statutes of Ontario, 1980, is amended by inserting after "(Canada)" in the last line "and an Ontario home ownership savings plan under the Ontario Home Ownership Savings Plan Act, 1988".
- 11. Subsection 5 (5) of the said Act, as re-enacted by sub- Application section 5 (2) of this Act, subsection 5 (5a) of the said Act, as enacted by subsection 5 (2) of this Act, and subsection 5 (8) of the said Act, as enacted by subsection 5 (4) of this Act, apply in respect of consents given by the Minister after the 17th day of May, 1989.

- 12.—(1) This Act, except as provided in subsections (2), (3) Commencement and (4), comes into force on the day it receives Royal Assent.
- (2) Subsections 1 (1), (2), (3), (4) and (5), sections 2 and 3, Idem subsections 5 (1) and 6 (1) and sections 7, 8 and 9 shall be deemed to have come into force on the 8th day of June, 1988.
- (3) Section 10 shall be deemed to have come into force on Idem the 1st day of September, 1988.

Idem

(4) Section 4 and subsections 5 (2), (3) and (4) shall be deemed to have come into force on the 18th day of May, 1989.

Short title

13. The short title of this Act is the Ontario Home Ownership Savings Plan Amendment Act, 1989.





Government Publications

2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill 105

## An Act to amend certain Acts in relation to **Ontario Home Ownership Savings Plans**

The Hon. R. Mancini



1st Reading

December 20th, 1989

2nd Reading

June 4th, 1990

3rd Reading

Royal Assent

(Reprinted as amended by the Committee of the Whole House)

#### **EXPLANATORY NOTES**

The purpose of the Bill is to implement the Treasurer's May 17, 1989 Budget proposals relating to the Ontario Home Ownership Savings Plan Program and to make minor administrative changes.

SECTION 1.—Subsections 1 and 2. The amendments clarify the wording of the existing definitions.

Subsections 3 and 4. The amendments expand the definition of an eligible home under the Act to include a partial ownership interest of a multi-unit residential property, as a tenant in common with other owners, if the ownership interest carries the right of the individual to inhabit one of the housing units on the property.

**Subsection 5.** New subsections 1 (4) and (5) set out the date on which a person will be considered to have acquired an ownership interest in an eligible home when the person acquires the home by gift or inheritance.

**Subsection 6.** The enactment of subsections 1 (6) and (7) is to prevent abuse under the Act by permitting the Minister to exercise his or her discretion to deem a person to own an eligible home when the home is held in trust for the person and the Minister is satisfied that the person is exercising effective control over the home.

SECTION 2.—Subsection 1. The re-enactment of paragraph 2 of section 2 is consequential upon the amendments to the Act which will permit the withdrawal of the assets of the plan in certain circumstances without repayment of the tax credits.

**Subsection 2.** The amendments and the amendments in section 3 of the Bill implement the Treasurer's Budget proposal to permit participation in the Program in 1989 and subsequent years of persons whose spouses previously owned a home, as long as the home was not owned during the marriage.

**SECTION 3.** See the explanatory note for subsection 2 (2), above.

**SECTION 4.** The amendments implement the Treasurer's Budget proposal to remove the liquidity restrictions on qualified investments which may be held by Ontario home ownership savings plans.

SECTION 5.—Subsection 1. The amendment is consequential upon the expansion of the definition of "eligible home" in section 1 of the Bill.

Subsection 2. The amendment makes it clear that an eligible home that has been converted from a rental property contrary to the *Rental Housing Protection Act*, 1989 or the predecessor to the Act is not a qualifying eligible home.

Subsection 3. The amendments implement the Treasurer's Budget proposals,

- (a) to permit the termination of an Ontario home ownership savings plan without a recovery of any tax credits, if the planholder obtains an eligible home either by way of a gift or inheritance, or marries a person who already owns an eligible home; and
- (b) to permit the early release of plan assets prior to completion of the purchase of an eligible home which is under construction, if interim payments to the builder of the home are required under the terms of the agreement of purchase and sale.

**Subsection 4.** The amendment to subsection 5 (6) is consequential upon the amendments made in subsection 3 of the Bill.

**Subsection 5.** The enactment of subsection 5 (8) will provide that where the assets of an Ontario home ownership savings plan are released before the completion of construction of the eligible home and the home is not completed, or completion is delayed, for reasons beyond the control of the planholder, the planholder will have an extension of time under the Act in which to meet the requirements in the Act of purchasing and residing in an eligible home.

**SECTION 6.—Subsection 1.** The addition of subsection 9 (la) confirms that no tax credits will be repayable by a planholder who terminates a plan because he or she has either inherited a home, received a home as a gift or has married a person who already owned a home.

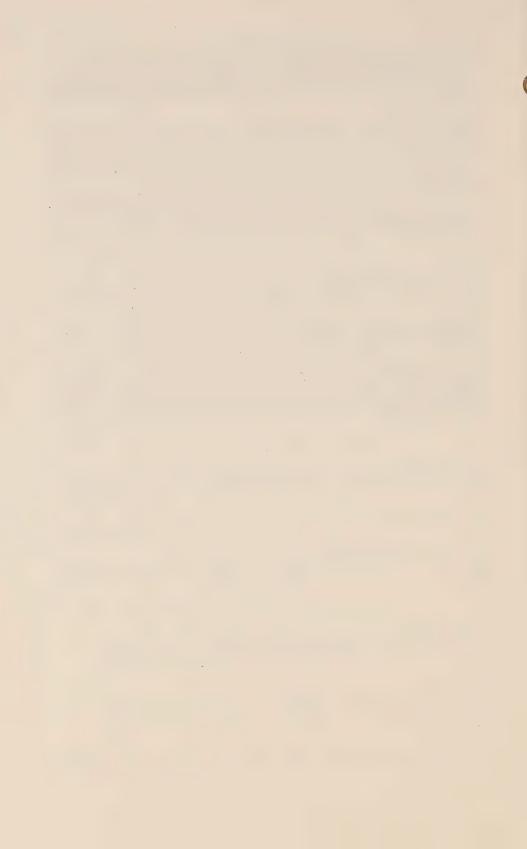
**Subsection 2.** The amendment to clause 9 (2) (b) is consequential upon the amendment in subsection 1 of the Bill and will permit a depositary, when authorized by the Minister, to pay out the assets of a plan to the planholder on termination of the plan without withholding an amount under section 9.

SECTION 7. The amendments are consequential upon amendments to section 3 of the Act.

**SECTION 8.** The amendments are consequential upon amendments to sections 3 and 5 of the Act.

**SECTION 9.** The amendment clarifies the time limitation for prosecutions of offences committed under the Act.

**SECTION 10.** The amendment to the *Succession Law Reform Act* will permit the designation of a beneficiary to receive the assets of an Ontario home ownership savings plan on the death of the planholder by means of a signed statement, in the same manner currently permitted for registered pension plans, registered retirement savings plans and similar plans. In default of this amendment, the planholder would be able to appoint a beneficiary of the plan only by means of a will.



Bill 105 1989

### An Act to amend certain Acts in relation to Ontario Home Ownership Savings Plans

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The definition of "depositary" in subsection 1 (1) of the *Ontario Home Ownership Savings Plan Act*, 1988, being chapter 35, is repealed and the following substituted therefor:
- "depositary" means either the Province of Ontario Savings Office or a financial institution that carries on business in Ontario and is a member of either the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation.
- (2) The definition of "qualifying contribution" in subsection 1 (1) of the said Act is repealed and the following substituted therefor:
- "qualifying contribution" means a contribution that is a qualifying contribution under section 3.
- (3) Subsection 1 (2) of the said Act is amended by striking out "or" at the end of clause (g) and by adding thereto the following clause:
  - (ga) a partial ownership interest as a tenant in common of real property, if the ownership interest was acquired for the purpose of acquiring the right to inhabit a housing unit forming part of the real property; or
- (4) Subsection 1 (3) of the said Act is amended by striking out "and" at the end of clause (d) and by adding thereto the following clause:

- (da) in the case of an eligible home referred to in clause (2) (ga), the individual has acquired a freehold estate in the real property, other than as a mortgagee, and is entitled to vacant possession of the housing unit referred to in clause (2) (ga); and
- (5) Section 1 of the said Act is amended by adding thereto the following subsections:

Gift or inheritance

(4) A person who acquires an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest shall be deemed to own the eligible home for the purposes of this Act on the earliest date on or after the date of the gift or the death on which the person resides in the eligible home, is entitled to possession of the eligible home or acquires the ownership interest in the eligible home.

Application of subs. (4)

- (5) Subsection (4) does not apply in respect of an ownership interest acquired under the terms of an agreement enforceable by or against the person legally or beneficially entitled to the interest immediately following the death of the owner of the interest.
- (6) The said section 1 is further amended by adding thereto the following subsections:

Deemed owner of eligible home (6) For the purposes of this Act, the Minister may deem an individual to have owned an eligible home at a particular time if ownership was at that time vested in a person under the terms of an express or implied trust by which the person held the property for the benefit of the individual, either alone or with one or more other persons, and the Minister is of the opinion that the individual exercised effective control, either alone or with one or more other persons, over the eligible home.

Ownership

- (7) For the purposes of subsection (6), "ownership" means the ownership of the eligible home, the ownership of the land subjacent to the eligible home or a leasehold interest in the land subjacent to the eligible home.
- 2.—(1) Paragraph 2 of section 2 of the said Act is repealed and the following substituted therefor:
  - 2. The terms of the plan require the depositary to withhold and remit to the Minister any amount required under section 9 on any payment of assets

of the plan to the planholder or to the legal personal representative of the planholder on the death of the planholder.

- (2) Paragraphs 9 and 10 of the said section 2 are repealed and the following substituted therefor:
  - 9. In the case of a plan entered into by a planholder and a depositary before the 1st day of January, 1989, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time an eligible home anywhere in the world.
  - 9a. In the case of a plan entered into by the planholder and a depositary after the 31st day of December, 1988, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time during the marriage an eligible home anywhere in the world.
  - 10. The terms of the plan prohibit any amendment to the terms of the plan,
    - i. that would result in the terms of the plan as amended failing to comply with this Act,
    - ii. that would permit or require any person to do anything contrary to this Act, or
    - iii. that would prevent or prohibit any person from doing anything required by this Act to be done.
- **3.**—(1) Subsection 3 (3) of the said Act is repealed and the following substituted therefor:
- (3) No contribution to an Ontario home ownership savings Idem plan is a qualifying contribution for the purposes of this Act and the *Income Tax Act* if,

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c. 213

(a) the planholder has received, or has been deemed by this Act to have received, any assets of the plan or the benefit or use of any of the assets of the plan during the year in which the contribution is made, except by way of a release of the assets of the plan under section 5 for the purpose of the acquisition by

the planholder of a qualifying eligible home;

- (b) the contribution is made at a time when the planholder or a spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, is the owner of an eligible home or is a partner in a partnership that owns property that would be an eligible home of the partner if the property was owned by the partner;
- (c) at any time before the contribution is made, the planholder owned an interest in an eligible home;
- (d) the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, owns or owned at any time an eligible home unless,
  - (i) in the case of a contribution made to a plan before the lst day of January, 1989, the contribution was made to the plan before the planholder married the spouse and either,
    - (A) the spouse owned no interest in an eligible home at the time of the marriage and the only interest in an eligible home the spouse may have acquired after the marriage was an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
    - (B) the marriage occurred after the date on which the planholder acquired an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
  - (ii) in the case of a contribution made to a plan after the 31st day of December, 1988, the spouse has not owned, at any time during marriage to the planholder, an interest in an eligible home, other than an interest in an eligible home acquired during the marriage in respect of which the assets of the planholder's plan were released under section 5; or

- (e) the planholder does not reside in Ontario at the end of the taxation year in which the contribution is made.
- (2) Subsection 3 (4) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 73, section 10, is repealed.
- 4.—(1) Subsection 4 (1) of the said Act is repealed and the following substituted therefor:
- (1) A depositary of an Ontario home ownership savings Duty to hold plan shall hold all assets of the plan only in qualified invest-investments ments and, at the option of the planholder of the plan, shall hold part or all of such assets in qualified investments that are repayable on demand.

- (2) Clause 4 (2) (b) of the said Act is repealed and the following substituted therefor:
  - (b) a deposit that is with a branch of the Province of Ontario Savings Office or that is insured by the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation; or
- 5.—(1) Clause 5 (4) (a) of the said Act is repealed and the following substituted therefor:
  - (a) the eligible home is located in Ontario and is suitable for use as a year-round dwelling place or, in the case of an eligible home that is in the form of a share or shares in the capital stock of a co-operative corporation or is described in clause 1 (2) (ga), the housing unit is located in Ontario and is suitable for use as a year-round dwelling place.
- (2) Subsection 5 (4) of the said Act is amended by striking out "and" at the end of clause (b) and by adding the following clauses:
  - (d) in the case of an eligible home described in clause 1 (2) (a), (b), (c), (f), (g) or (h), the eligible home has not been converted from rental property contrary to the Rental Housing Protection Act, 1989 or 1989, c. 31 the Rental Housing Protection Act, 1986; and

1986, c. 26

(e) in the case of an eligible home described in clause 1 (2) (d) or (ga), if the co-operative corporation or the real property is a co-operative as defined in the Rental Housing Protection Act, 1989 or the Rental Protection Act, 1986, the co-operative corporation or the real property has not been converted from rental property contrary to either of those Acts.

(3) Subsection 5 (5) of the said Act is repealed and the following substituted therefor:

Minister's discretion to release

- (5) Where the assets of the plan have not been released under subsection (1), the Minister may, in the circumstances described in subsection (5a),
  - (a) consent to the release of the assets of the plan by the depositary to the planholder;
  - (b) direct that on the release of the assets of the plan, no amount, or an amount not in excess of the amount that would otherwise be deducted, withheld and remitted to the Minister by the depositary of the plan under subsection 9 (2) shall be remitted to the Minister; and
  - (c) impose such conditions on the release as the Minister in his or her discretion, considers necessary to ensure compliance with this Act and the regulations.

When Minister's discretion may be exercised

- (5a) The Minister may exercise his or her discretion under subsection (5) if the Minister is satisfied that,
  - (a) the planholder has purchased property that is or that will become a qualifying eligible home under subsection (4);
  - (b) the planholder has entered into an agreement to purchase a proposed condominium unit that will become a qualifying eligible home and is required under the agreement to take possession of or occupy the proposed condominium unit before a deed or transfer of the unit acceptable for registration is delivered to the planholder;
  - (c) the planholder has entered into an agreement to purchase an eligible home, the construction of which has not yet been completed, and the Minister is satisfied that the planholder is required under the terms of the agreement to make interim payments to the builder or developer of the eligible home before completion of the purchase thereof;

- (d) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder has entered into an Ontario home ownership savings plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest; or
- (e) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.
- (4) Subsection 5 (6) of the said Act is amended by striking out "clause (5) (c)" in the second line and inserting in lieu thereof "subsection (5)".
- (5) Section 5 of the said Act is amended by adding thereto the following subsection:
- (8) Where the assets of an Ontario home ownership savings Eligible plan have been released under subsection (5) to a planholder construction referred to in clause (5a)(c) or to a planholder who owns property that will contain a qualifying eligible property following completion of construction thereon of an eligible home, the following rules apply:

- 1. The planholder shall be deemed to have acquired ownership of the eligible home on the date the assets of the plan were released, whether or not construction of the eligible home was completed.
- 2. If construction of the eligible home has been delayed and, as a result, the planholder has failed to acquire a qualifying eligible home within a time limit imposed by this Act, the planholder shall not be considered, for the purposes of subsection 12 (1), to have used the assets of the plan for a purpose other than the purchase of a qualifying eligible home, if the Minister is satisfied that,
  - i. any failure to inhabit the eligible home for at least thirty days within two years of the date the assets of the plan were released was due to the delay in the construction of the eligible home.

R.S.C. 1952, c. 148

- ii. the delay in the construction was for a prescribed reason that was beyond the control of the planholder and of anyone not dealing at arm's length with the planholder within the meaning of section 25l of the *Income Tax Act* (Canada), and
- iii. the planholder has acquired, within four years of the date the assets of the plan were released, an eligible home that is a qualifying eligible home within the meaning of subsection (4).

## **6.**—(1) Section 9 of the said Act is amended by adding thereto the following subsection:

Exception

R.S.O. 1980, c. 213

- (la) No amount is payable under subsection (l) with respect to tax credits allowed to the planholder or to his or her spouse or former spouse under the *Income Tax Act* in respect of qualifying contributions made by the planholder to his or her Ontario home ownership savings plan if the planholder has otherwise complied with this Act and the regulations but is terminating his or her plan for the reason that,
  - (a) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder entered into the plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest; or
  - (b) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.
- (2) Clause 9 (2) (b) of the said Act is amended by inserting after "be" in the tenth line "unless the depositary is in receipt of written authorization from the Ministry of Revenue advising the depositary that it is relieved of its obligation under this subsection to deduct, withhold and remit the amount".
- 7.—(1) Clause 10 (1) (b) of the said Act is amended by striking out "clause 3 (3) (a), (b) or (d)" in the third line and inserting in lieu thereof "subsection 3 (3)".
- (2) Subsection 10 (1) of the said Act is amended by adding "or" at the end of clause (c) and by repealing clause (d).

### 8. Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) The Minister may serve on the former planholder of an Tax credit Ontario home ownership savings plan, by ordinary mail to his after release or her last address known to the Minister or by personal ser- of assets of vice, a notice of determination of tax credit recovery and plan interest, together with written reasons therefor, after the assets of the plan have been released by the depositary, if the Minister is of the opinion that,

- (a) the Ontario home ownership savings plan failed to comply with the requirements of section 2;
- (b) a contribution made to the Ontario home ownership savings plan was not a qualifying contribution by reason of subsection 3 (3):
- (c) the planholder owned an interest in an eligible home at any time before the date of release of the assets of the plan, other than an eligible home in respect of which the assets of the plan were released under section 5: or
- (d) the assets of the plan, after release by the depositary (other than in the circumstances described in clause 5 (5a) (d) or (e)), were used for a purpose other than the acquisition of an eligible home that became a qualifying eligible home under subsection 5 (4).
- 9. Section 18 of the said Act is amended by striking out the first three lines and inserting in lieu thereof "Proceedings to enforce any provision of this Act or the regulations with respect to a home ownership savings plan may be commenced and any information in respect of any offence under this Act or the regulations with respect to a home ownership savings plan may be laid not later than six years after".

### COMPLEMENTARY AMENDMENT

- 10. Section 50 of the Succession Law Reform Act, being chapter 488 of the Revised Statutes of Ontario, 1980, is amended by inserting after "(Canada)" in the last line "and an Ontario home ownership savings plan under the Ontario Home Ownership Savings Plan Act, 1988".
- 11. Subsection 5 (5) of the said Act, as re-enacted by sub- Application section 5 (3) of this Act, subsection 5 (5a) of the said Act, as enacted by subsection 5 (3) of this Act, and subsection 5 (8) of

the said Act, as enacted by subsection 5 (5) of this Act, apply in respect of consents given by the Minister after the 17th day of May, 1989.

Commencement

- **12.**—(1) This Act, except as provided in subsections (2), (3) and (4), comes into force on the day it receives Royal Assent.
- (2) Subsections 1 (1), (2), (3), (4) and (5), sections 2 and 3, subsections 5 (1), (2) and 6 (1) and sections 7, 8 and 9 shall be deemed to have come into force on the 8th day of June, 1988.
- (3) Section 10 shall be deemed to have come into force on the 1st day of September, 1988.
- (4) Section 4 and subsections 5 (3), (4) and (5) shall be deemed to have come into force on the 18th day of May, 1989.
- Short title 13. The short title of this Act is the Ontario Home Owner-ship Savings Plan Amendment Act, 1990.





2ND SESSION, 34TH LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill 105

(Chapter 9 Statutes of Ontario, 1990)

# An Act to amend certain Acts in relation to Ontario Home Ownership Savings Plans

The Hon. R. Mancini
Minister of Revenue



1st Reading December 20th, 1989

2nd Reading June 4th, 1990

3rd Reading June 28th, 1990

Royal Assent June 28th, 1990



Bill 105 1989

### An Act to amend certain Acts in relation to Ontario Home Ownership Savings Plans

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The definition of "depositary" in subsection 1 (1) of the *Ontario Home Ownership Savings Plan Act*, 1988, being chapter 35, is repealed and the following substituted therefor:
- "depositary" means either the Province of Ontario Savings Office or a financial institution that carries on business in Ontario and is a member of either the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation.
- (2) The definition of "qualifying contribution" in subsection 1 (1) of the said Act is repealed and the following substituted therefor:
- "qualifying contribution" means a contribution that is a qualifying contribution under section 3.
- (3) Subsection 1 (2) of the said Act is amended by striking out "or" at the end of clause (g) and by adding thereto the following clause:
  - (ga) a partial ownership interest as a tenant in common of real property, if the ownership interest was acquired for the purpose of acquiring the right to inhabit a housing unit forming part of the real property; or
- (4) Subsection 1 (3) of the said Act is amended by striking out "and" at the end of clause (d) and by adding thereto the following clause:

(da) in the case of an eligible home referred to in clause (2) (ga), the individual has acquired a freehold estate in the real property, other than as a mortgagee, and is entitled to vacant possession of the housing unit referred to in clause (2) (ga); and

(5) Section 1 of the said Act is amended by adding thereto the following subsections:

Gift or inheritance

(4) A person who acquires an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest shall be deemed to own the eligible home for the purposes of this Act on the earliest date on or after the date of the gift or the death on which the person resides in the eligible home, is entitled to possession of the eligible home or acquires the ownership interest in the eligible home.

Application of subs. (4)

- (5) Subsection (4) does not apply in respect of an ownership interest acquired under the terms of an agreement enforceable by or against the person legally or beneficially entitled to the interest immediately following the death of the owner of the interest.
- (6) The said section 1 is further amended by adding thereto the following subsections:

Deemed owner of eligible home (6) For the purposes of this Act, the Minister may deem an individual to have owned an eligible home at a particular time if ownership was at that time vested in a person under the terms of an express or implied trust by which the person held the property for the benefit of the individual, either alone or with one or more other persons, and the Minister is of the opinion that the individual exercised effective control, either alone or with one or more other persons, over the eligible home.

Ownership

- (7) For the purposes of subsection (6), "ownership" means the ownership of the eligible home, the ownership of the land subjacent to the eligible home or a leasehold interest in the land subjacent to the eligible home.
- 2.—(1) Paragraph 2 of section 2 of the said Act is repealed and the following substituted therefor:
  - 2. The terms of the plan require the depositary to withhold and remit to the Minister any amount required under section 9 on any payment of assets

of the plan to the planholder or to the legal personal representative of the planholder on the death of the planholder.

- (2) Paragraphs 9 and 10 of the said section 2 are repealed and the following substituted therefor:
  - In the case of a plan entered into by a planholder and a depositary before the 1st day of January, 1989, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time an eligible home anywhere in the world.
  - 9a. In the case of a plan entered into by the planholder and a depositary after the 31st day of December, 1988, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time during the marriage an eligible home anywhere in the world.
  - The terms of the plan prohibit any amendment to 10. the terms of the plan,
    - i. that would result in the terms of the plan as amended failing to comply with this Act,
    - ii. that would permit or require any person to do anything contrary to this Act, or
    - iii. that would prevent or prohibit any person from doing anything required by this Act to be done.

#### 3.—(1) Subsection 3 (3) of the said Act is repealed and the following substituted therefor:

(3) No contribution to an Ontario home ownership savings Idem plan is a qualifying contribution for the purposes of this Act and the Income Tax Act if,

R.S.O. 1980,

(a) the planholder has received, or has been deemed by this Act to have received, any assets of the plan or the benefit or use of any of the assets of the plan during the year in which the contribution is made, except by way of a release of the assets of the plan Bill 105

under section 5 for the purpose of the acquisition by the planholder of a qualifying eligible home;

- (b) the contribution is made at a time when the planholder or a spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, is the owner of an eligible home or is a partner in a partnership that owns property that would be an eligible home of the partner if the property was owned by the partner;
- (c) at any time before the contribution is made, the planholder owned an interest in an eligible home;
- (d) the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, owns or owned at any time an eligible home unless,
  - (i) in the case of a contribution made to a plan before the lst day of January, 1989, the contribution was made to the plan before the planholder married the spouse and either,
    - (A) the spouse owned no interest in an eligible home at the time of the marriage and the only interest in an eligible home the spouse may have acquired after the marriage was an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
    - (B) the marriage occurred after the date on which the planholder acquired an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
  - (ii) in the case of a contribution made to a plan after the 31st day of December, 1988, the spouse has not owned, at any time during marriage to the planholder, an interest in an eligible home, other than an interest in an eligible home acquired during the marriage in respect of which the assets of the planholder's plan were released under section 5; or

- (e) the planholder does not reside in Ontario at the end of the taxation year in which the contribution is made.
- (2) Subsection 3 (4) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 73, section 10, is repealed.
- 4.—(1) Subsection 4 (1) of the said Act is repealed and the following substituted therefor:
- (1) A depositary of an Ontario home ownership savings Duty to hold plan shall hold all assets of the plan only in qualified investin qualified investinvestments ments and, at the option of the planholder of the plan, shall hold part or all of such assets in qualified investments that are repayable on demand.

- (2) Clause 4 (2) (b) of the said Act is repealed and the following substituted therefor:
  - (b) a deposit that is with a branch of the Province of Ontario Savings Office or that is insured by the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation; or
- 5.—(1) Clause 5 (4) (a) of the said Act is repealed and the following substituted therefor:
  - (a) the eligible home is located in Ontario and is suitable for use as a year-round dwelling place or, in the case of an eligible home that is in the form of a share or shares in the capital stock of a co-operative corporation or is described in clause 1 (2) (ga), the housing unit is located in Ontario and is suitable for use as a year-round dwelling place.
- (2) Subsection 5 (4) of the said Act is amended by striking out "and" at the end of clause (b) and by adding the following clauses:
  - (d) in the case of an eligible home described in clause 1 (2) (a), (b), (c), (f), (g) or (h), the eligible home has not been converted from rental property contrary to the Rental Housing Protection Act, 1989 or 1989. c. 31 the Rental Housing Protection Act, 1986; and

1986, c. 26

(e) in the case of an eligible home described in clause 1 (2) (d) or (ga), if the co-operative corporation or the real property is a co-operative as defined in the Rental Housing Protection Act, 1989 or the Rental Protection Act, 1986, the co-operative corporation or the real property has not been converted from rental property contrary to either of those Acts.

## (3) Subsection 5 (5) of the said Act is repealed and the following substituted therefor:

Minister's discretion to release

- (5) Where the assets of the plan have not been released under subsection (1), the Minister may, in the circumstances described in subsection (5a),
  - (a) consent to the release of the assets of the plan by the depositary to the planholder;
  - (b) direct that on the release of the assets of the plan, no amount, or an amount not in excess of the amount that would otherwise be deducted, withheld and remitted to the Minister by the depositary of the plan under subsection 9 (2) shall be remitted to the Minister; and
  - (c) impose such conditions on the release as the Minister in his or her discretion, considers necessary to ensure compliance with this Act and the regulations.

When Minister's discretion may be exercised

- (5a) The Minister may exercise his or her discretion under subsection (5) if the Minister is satisfied that,
  - (a) the planholder has purchased property that is or that will become a qualifying eligible home under subsection (4);
  - (b) the planholder has entered into an agreement to purchase a proposed condominium unit that will become a qualifying eligible home and is required under the agreement to take possession of or occupy the proposed condominium unit before a deed or transfer of the unit acceptable for registration is delivered to the planholder;
  - (c) the planholder has entered into an agreement to purchase an eligible home, the construction of which has not yet been completed, and the Minister is satisfied that the planholder is required under the terms of the agreement to make interim payments to the builder or developer of the eligible home before completion of the purchase thereof;

- (d) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder has entered into an Ontario home ownership savings plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest: or
- (e) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.
- (4) Subsection 5 (6) of the said Act is amended by striking out "clause (5) (c)" in the second line and inserting in lieu thereof "subsection (5)".
- (5) Section 5 of the said Act is amended by adding thereto the following subsection:
- (8) Where the assets of an Ontario home ownership savings Eligible plan have been released under subsection (5) to a planholder construction referred to in clause (5a)(c) or to a planholder who owns property that will contain a qualifying eligible property following completion of construction thereon of an eligible home, the following rules apply:

- 1. The planholder shall be deemed to have acquired ownership of the eligible home on the date the assets of the plan were released, whether or not construction of the eligible home was completed.
- 2. If construction of the eligible home has been delayed and, as a result, the planholder has failed to acquire a qualifying eligible home within a time limit imposed by this Act, the planholder shall not be considered, for the purposes of subsection 12 (1), to have used the assets of the plan for a purpose other than the purchase of a qualifying eligible home, if the Minister is satisfied that,
  - i. any failure to inhabit the eligible home for at least thirty days within two years of the date the assets of the plan were released was due to the delay in the construction of the eligible home,

R.S.C. 1952, c. 148

- ii. the delay in the construction was for a prescribed reason that was beyond the control of the planholder and of anyone not dealing at arm's length with the planholder within the meaning of section 25l of the *Income Tax Act* (Canada), and
- iii. the planholder has acquired, within four years of the date the assets of the plan were released, an eligible home that is a qualifying eligible home within the meaning of subsection (4).
- **6.**—(1) Section 9 of the said Act is amended by adding thereto the following subsection:

Exception

R.S.O. 1980, c. 213

- (la) No amount is payable under subsection (l) with respect to tax credits allowed to the planholder or to his or her spouse or former spouse under the *Income Tax Act* in respect of qualifying contributions made by the planholder to his or her Ontario home ownership savings plan if the planholder has otherwise complied with this Act and the regulations but is terminating his or her plan for the reason that,
  - (a) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder entered into the plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest; or
  - (b) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.
- (2) Clause 9 (2) (b) of the said Act is amended by inserting after "be" in the tenth line "unless the depositary is in receipt of written authorization from the Ministry of Revenue advising the depositary that it is relieved of its obligation under this subsection to deduct, withhold and remit the amount".
- 7.—(1) Clause 10 (1) (b) of the said Act is amended by striking out "clause 3 (3) (a), (b) or (d)" in the third line and inserting in lieu thereof "subsection 3 (3)".
- (2) Subsection 10 (1) of the said Act is amended by adding "or" at the end of clause (c) and by repealing clause (d).

#### 8. Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) The Minister may serve on the former planholder of an Tax credit Ontario home ownership savings plan, by ordinary mail to his after release or her last address known to the Minister or by personal ser- of assets of vice, a notice of determination of tax credit recovery and plan interest, together with written reasons therefor, after the assets of the plan have been released by the depositary, if the Minister is of the opinion that,

- (a) the Ontario home ownership savings plan failed to comply with the requirements of section 2;
- (b) a contribution made to the Ontario home ownership savings plan was not a qualifying contribution by reason of subsection 3 (3):
- (c) the planholder owned an interest in an eligible home at any time before the date of release of the assets of the plan, other than an eligible home in respect of which the assets of the plan were released under section 5: or
- (d) the assets of the plan, after release by the depositary (other than in the circumstances described in clause 5 (5a) (d) or (e)), were used for a purpose other than the acquisition of an eligible home that became a qualifying eligible home under subsection 5 (4).
- 9. Section 18 of the said Act is amended by striking out the first three lines and inserting in lieu thereof "Proceedings to enforce any provision of this Act or the regulations with respect to a home ownership savings plan may be commenced and any information in respect of any offence under this Act or the regulations with respect to a home ownership savings plan may be laid not later than six years after".

#### COMPLEMENTARY AMENDMENT

- 10. Section 50 of the Succession Law Reform Act, being chapter 488 of the Revised Statutes of Ontario, 1980, is amended by inserting after "(Canada)" in the last line "and an Ontario home ownership savings plan under the Ontario Home Ownership Savings Plan Act, 1988".
- 11. Subsection 5 (5) of the said Act, as re-enacted by sub- Application section 5 (3) of this Act, subsection 5 (5a) of the said Act, as enacted by subsection 5 (3) of this Act, and subsection 5 (8) of

the said Act, as enacted by subsection 5 (5) of this Act, apply in respect of consents given by the Minister after the 17th day of May, 1989.

Commencement 12.—(1) This Act, except as provided in subsections (2), (3) and (4), comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 (1), (2), (3), (4) and (5), sections 2 and 3, subsections 5 (1), (2) and 6 (1) and sections 7, 8 and 9 shall be deemed to have come into force on the 8th day of June, 1988.

Idem

(3) Section 10 shall be deemed to have come into force on the 1st day of September, 1988.

Idem

(4) Section 4 and subsections 5 (3), (4) and (5) shall be deemed to have come into force on the 18th day of May, 1989.

Short title

13. The short title of this Act is the Ontario Home Owner-ship Savings Plan Amendment Act, 1990.





